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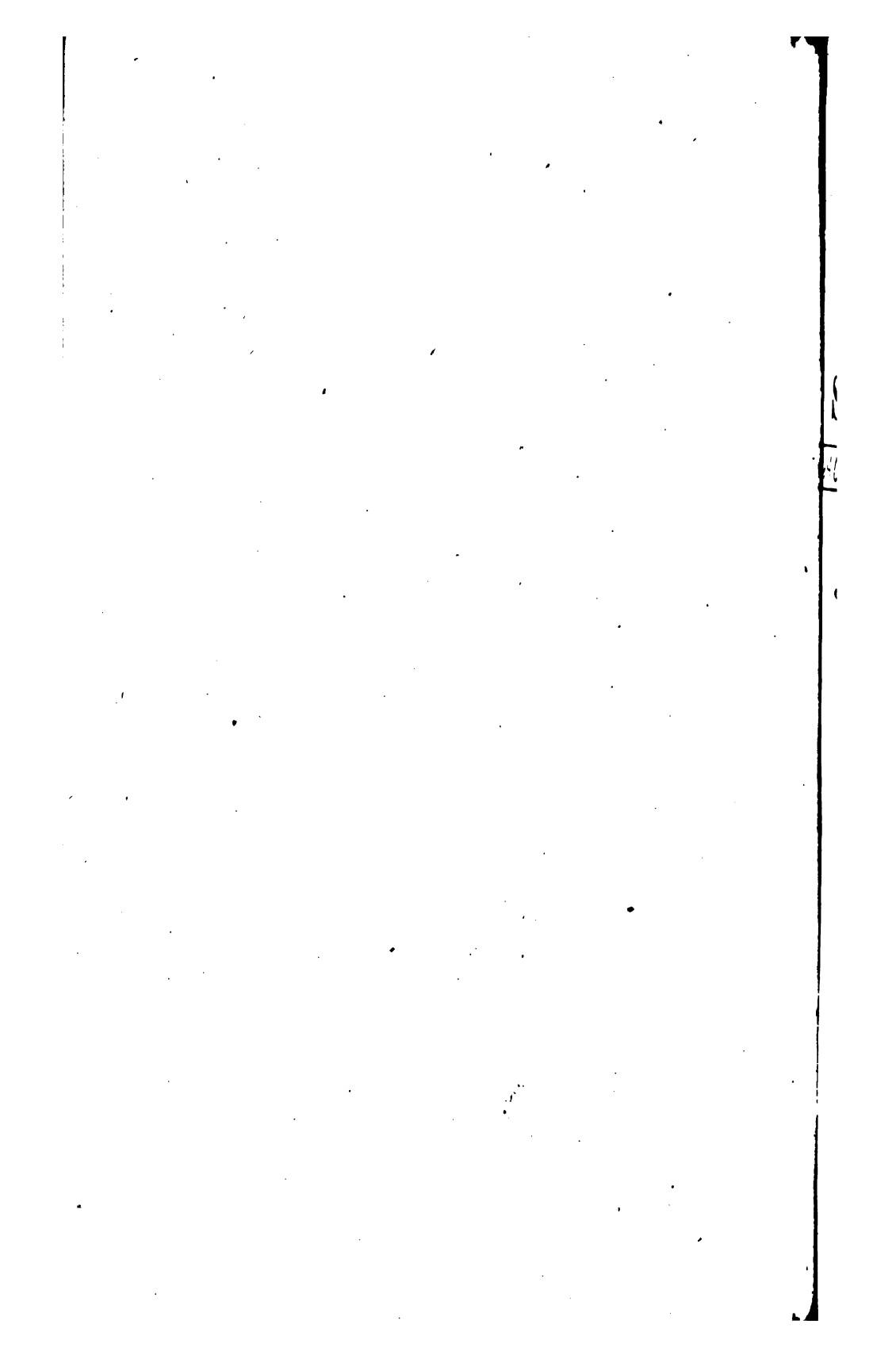
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A C T S  
OF  
THE LEGISLATURE  
OF THE  
STATE OF MICHIGAN,

,405

PASSED

AT THE EXTRA SESSION OF 1858,

WITH AN APPENDIX,

Containing Certified Statements of Boards of Supervisors relative to the Erection of New Townships; also, State Treasurer's Annual Report for the year 1857.



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## LIST OF ACTS

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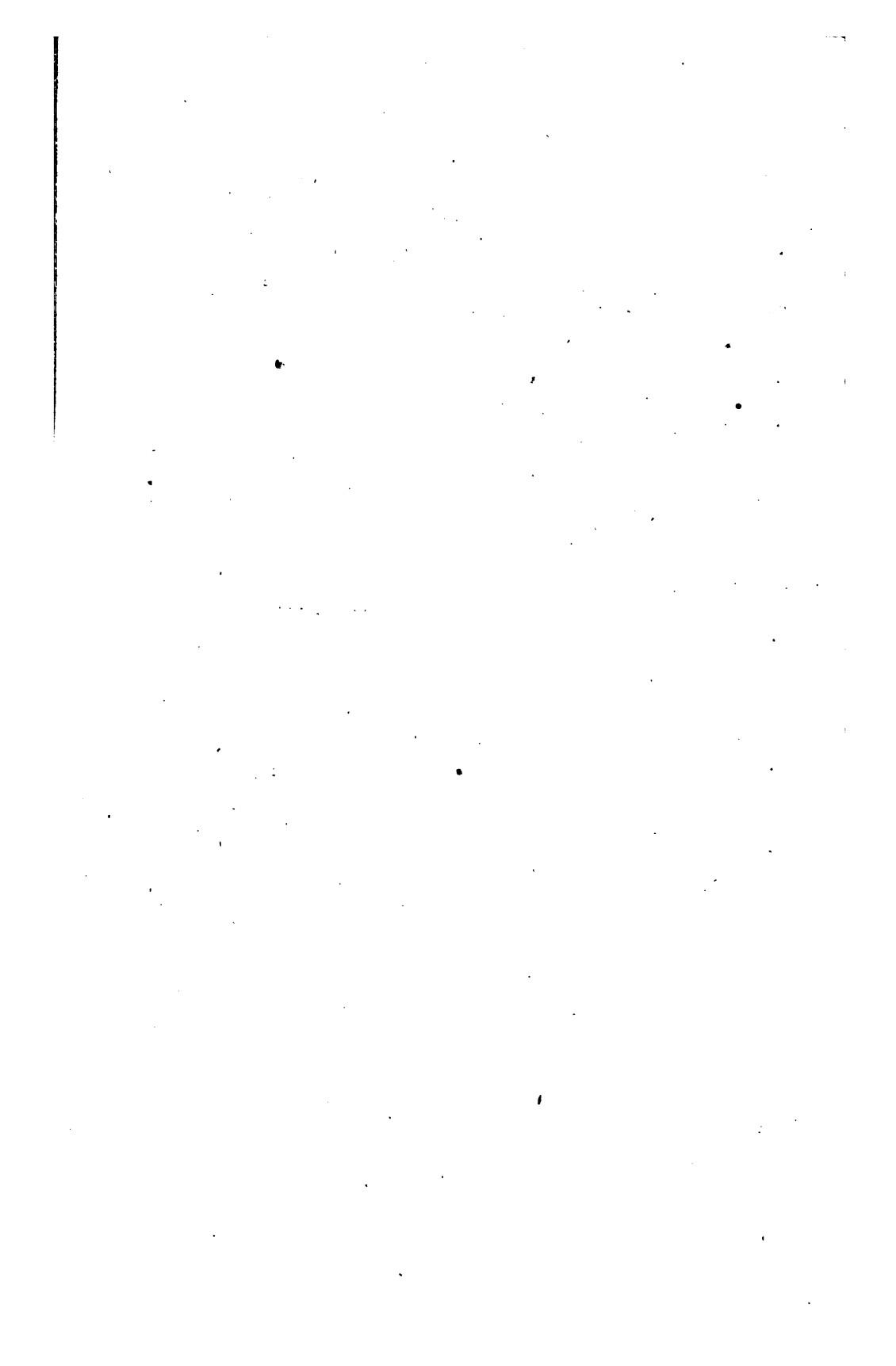
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# LAW S OF MICHIGAN.

[ No. 1. ]

**AN ACT** to provide rooms for holding the sessions of the Supreme Court, and the collection and preservation of the records of the Supreme Court of the Territory of Michigan.

**SECTION 1.** *The People of the State of Michigan enact;* Attorney General to provide rooms, desks, &c., for Supreme Court.  
That the Attorney General be and he is hereby authorized to procure apartments in the city of Detroit, in which to hold the sessions of the supreme court, and to provide the necessary furniture for fitting up the same; and also proper desks, cases, tables and other furniture for the safe keeping and preservation of the records, books and papers of the court, to be kept and preserved in such apartments; and in the name of the people of the State, to sign and execute any lease of such apartments upon such terms as he shall see fit: *Provided*, Such lease shall not be for a longer term than five years, and shall be determinable whenever any three of the judges of the court shall give, or cause to be given, three months notice to that effect to the lessor, his heirs, executors or assigns, or the person or persons claiming under him or them: *And provided further*, That the State shall not be responsible for any damage to such apartments by fire, which lease, or a duplicate thereof, shall be deposited with the Auditor General. Limit of lease. Proviso

Sec. 2. The Auditor General is required to draw his Rent, how paid. warrant on the State Treasury for the amount of rent from time to time falling due on such lease; and also for

## LAWS OF MICHIGAN.

such necessary furniture, upon the certificate of one of the justices of the court that the same has been duly delivered, and upon the presentation and allowance of the same, as in other cases provided, by the Board of State Auditors.

*Duties of  
clerk of Su-  
preme Court  
of Wayne  
county.*

Sec. 3. It shall be the duty of the clerk of the supreme court in Wayne county, to collect and obtain possession of all the books of record, files and papers of the supreme court of the Territory of Michigan, belonging to said court in the county of Wayne or elsewhere, and to deposit them in such apartments, in proper order, to be there kept and preserved until removed to some other place by order of the supreme court.

*Rooms at  
the capitol  
to be fitted  
up.*

*Duties of St.  
Librarian.*

Sec. 4. Three apartments in the capitol, at Lansing, are assigned for the use of the supreme court, to be fitted up under the direction of the Auditor General, at the expense of the State, which expenses are to be credited [audited] and allowed by the said Board of Auditors; and the State Librarian is hereby directed to allow such portion of the law books belonging to the state library as the justices shall select, to be removed from the room in which they now are, and placed in one of such apartments for the use of the justices, there to remain during the session of said court.

Sec. 5. This act is ordered to take immediate effect.

Approved January 29, 1858.

### [ No. 2. ]

AN ACT to authorize the Supervisor of the township of Macomb, in the county of Macomb, to make a new assessment of the real and personal property of said township, and to extend the time for the collection of taxes in said township.

*Supervisor  
to make new  
assessment.*

SECTION 1. *The People of the State of Michigan enact,* That the supervisor of the township of Macomb, in the county of Macomb, shall have authority to make a new assessment of the real and personal property of said town-

## LAWS OF MICHIGAN.

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ship for the year one thousand eight hundred and fifty-seven, and that he shall make a new tax roll therefrom in accordance with existing laws, and shall deliver the same, with the proper warrant affixed thereto, to the treasurer of said township, on or before the second Monday in February, one thousand eight hundred and fifty-eight.

Sec. 2. The treasurer of said township shall, within five days after the receipt of said tax roll and warrant, pay over to the county treasurer of his county all moneys collected by him upon a former tax roll, and execute a bond according to law to the said treasurer.

Sec. 3. The township treasurer, when he shall have complied with the provisions of section two of this act, shall proceed to collect the unpaid taxes levied in said roll, and the time for the collection and return of said taxes be extended to the last Monday of March, 1858, and the county treasurer of the county of Macomb shall make return, as in other cases, within fifty days from the time of the return made by the township treasurer.

This act shall take effect immediately.

Approved January 29, 1858.

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[ No. 3. ]

AN ACT to amend section sixty-two of chapter seventeen of the Compiled Laws of eighteen hundred and fifty-seven, entitled "Of the assessment and collection of taxes."

SECTION 1. *The People of the State of Michigan enact,* That section sixty-two of chapter seventeen of the compiled laws of eighteen hundred and fifty-seven, entitled "Of the assessment and collection of taxes," be, and the same is hereby amended, so that the same shall read as follows:

Sec. 62. If any township treasurer, ward collector, or other collecting officer in the city shall neglect or refuse

Tax roll to  
be renewed.

Duty of  
township  
treasurer.

Time ex-  
tended for col-  
lection of  
taxes.

Section  
amended.

Penalty.

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*Duty of Co.  
treasurer.*

to pay to the county treasurer the sums required by his warrant, or to account for the same as unpaid, as required by law, the county treasurer shall, within ten days after the time when such payment ought to have been made, issue a warrant under his hand, directed to the sheriff of the county, commanding him to levy such sum as shall remain unpaid and unaccounted for, together with his fees for collecting the same, of the goods and chattels, lands and tenements of such township treasurer, ward collector or other collecting officer, and their sureties, and to pay the said sums to such county treasurer and return such warrant, within forty days from the date thereof.

Sec. 2. This act is ordered to take immediate effect.

Approved January 29, 1858.

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### [ No. 4. ]

**AN ACT** to amend the Revised Statutes of 1846, and other statutes, so as to adapt them to the organization of the present Supreme Court, and to define more accurately the duties of Judges of the Circuit Courts and of Circuit Court Commissioners.

**SECTION 1.** *The People of the State of Michigan enact,* That the following alterations and amendments be and the same are hereby made in the statutes of this State, that is to say: the following sections of the revised statutes of 1846 shall be altered and amended as follows:

### CHAPTER 90.

*Condition of  
Injunction.*

Section nineteen of chapter ninety shall read thus:

If an application for an order that an injunction or a writ *ne exeat* issue be made to the circuit judge or any person authorized to grant the same, and such order be refused, in whole or in part, or be granted conditionally or on terms, no subsequent application for the same purpose and in relation to the same matter shall be made to

## LAWS OF MICHIGAN.

any other circuit judge or any other person authorized to grant the same.

Sec. 2. Section one hundred and nine of said chapter is hereby repealed, and the following enacted in its stead:

The circuit judges, and each injunction master within the circuit for which he may be appointed, shall severally <sup>Power to grant injunctions, in whom vested.</sup> have power to grant injunctions to stay proceedings at law. <sup>ed.</sup>

Sec. 3. Section one hundred and forty-four of said chapter shall read as follows:

Such appeal shall be claimed and entered [returned] with <sup>Limit of appeal.</sup> in forty days from the time of the making of such decree or final order; and the appellant shall, within said forty days, file with the register or clerk who entered such decree or order a bond to the appellee with sufficient sureties, to be approved by a judge of the circuit court or a circuit court <sup>Bond to be filed and approved.</sup> commissioner, and in such sum as such judge or commissioner shall direct, conditioned to pay, satisfy or perform the decree or final order of the supreme court, and to pay all costs, in case the decree or order of the circuit court in chancery shall be affirmed.

Sec. 4. Section one hundred and forty-six of said chapter shall be so amended as to read as follows:

When such appeal shall be perfected it shall be the duty of the clerk or register, in thirty days thereafter, to make a copy of the bill or other pleadings, papers and proceedings in the cause, and transmit the same to the clerk of the supreme court whose office shall be nearest, by the usual traveled route, to the place where such circuit court was held, unless otherwise ordered by the supreme court or one of the justices thereof. <sup>Duty of Clerk in relation to appeals.</sup>

Sec. 5. Section one hundred and forty-nine of said chapter is hereby repealed.

Section fifty-seven of chapter ninety, and the act amendatory thereto, is hereby amended so as to read as follows:

Sec. 57. Either party to a cause in chancery may, within

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**Witnesses may be examined on claim of either party.** ten days after issue joined in said cause, apply to the circuit court or to the circuit judge at chambers for an order for the examination of witnesses in open court, and upon good cause shown, the court or judge may, by an order under his hand, direct the examination of witnesses in open court, and a certified copy of such order shall be served upon the

**Order to be served within five days.** solicitor of the opposite party within five days thereafter; in which case no commission shall be issued, nor examination of witnesses had before a circuit court commissioner, but the cause shall be heard in its course on the calendar by examination of witnesses in open court, unless the court, on legal cause shown, shall otherwise direct as in a suit at law: *Provided*, That if an application shall not be made to the court or judge within ten days after the joining of issue as aforesaid, and a certified copy of said order served upon the solicitor of the opposite party within five days after the date of said order as aforesaid, a commission may be issued and the testimony of the witnesses in said cause taken before a circuit court commissioner, as provided by the rules and practice of said court: *And*

**Envoiso.** *provided further*, That in case any cause in chancery shall be so tried in open court, either party shall be entitled to make and settle a case, setting forth the evidence at large before the judge who tried the same, at such time and in such manner as said judge shall direct, or as shall be prescribed by the rules of said court. And upon the making and filing of such case within three months after such trial, the same shall be taken and deemed to be the evidence in said cause, to the same extent and with like effect as if the said testimony had been taken before a circuit court commissioner and certified by him.

Section eighty of said chapter is hereby amended so as to read as follows:

Sec. 80. After the filing of a bill, the circuit judge or circuit court commissioner shall make an order for the

appearance of a defendant, at a future day therein to be specified, as hereinafter directed in the following cases:

When the defendant resides out of this State, upon proof by affidavit of that fact;

When the defendant is a resident of this State, upon proof by affidavit that the process for his appearance has been duly issued, and that the same could not be served by reason of his absence from, or concealment within this State, or by reason of his continued absence from his place of residence.

### CHAPTER 95.

Sec. 6. Section four of chapter ninety-five shall be so altered and amended as to read as follows:

Circuit court commissioners, qualified according to law, shall severally be authorized and required to perform all the duties and to execute every act, power and trust which a judge of the circuit court may perform and execute out of court, according to the rules and practice of such court, and pursuant to the provisions of any statute, in all civil cases, except as herein otherwise provided.

Sec. 7. Section five of said chapter shall be so altered and amended as to read as follows:

But when any power is given in express terms, by any statute, to a circuit judge or to circuit judges, without naming circuit court commissioners in such statute, such commissioners shall not be authorized to exercise any such powers.

Sec. 8. Section twelve of said chapter is so altered and amended as to read as follows:

If an application for any order be made to any justice of the supreme court, judge of a circuit court, or circuit court commissioner, and such order be refused, in whole or in part, or granted conditionally or on terms, no subsequent application in reference to the same matter and in the same stage of the proceedings, shall be made to any other circuit

## LAWS OF MICHIGAN.

court commissioner; and if, upon a subsequent application, any order be made by a circuit judge or circuit court commissioner, it shall be revoked by such judge or commissioner, or by any justice of the supreme court, upon due proof of the facts.

### CHAPTER 98.

**Sec. 9.** Section one of chapter ninety-eight is altered and amended so as to read as follows:

**Recognizance, before whom taken.** In all cases where special bail shall be required to be put in, a recognizance thereof may be taken before any justice of the supreme court, any circuit judge, circuit court commissioner, clerk of any court of record, and shall be filed in the office of the clerk of the court in which the action is pending.

**Sec. 10.** Section twenty of said chapter is altered and amended so as to read as follows:

**Special bail, surrender made, before whom.** The special bail of any defendant may surrender him, or such defendant may surrender himself in exoneration of his bail, before any judge of a circuit court, or a circuit court commissioner.

### CHAPTER 102.

**Sec. 11.** Section sixty-four, of chapter one hundred and two, is altered and amended so as to read as follows:

**Power to discharge witnesses.** Every justice of the supreme court, circuit judge and circuit court commissioner, shall have the like authority to discharge any witness arrested contrary to the foregoing provisions.

### CHAPTER 110.

**Sec. 12.** Section seven, of chapter one hundred and ten, is altered and amended so as to read as follows:

**Suit for the recovery of land.** After the commencement of any action on the case for waste, or of any action for the recovery of land, or of the possession of land, the defendant shall not make any waste of the land in demand, or premises in question, during the

## LAWS OF MICHIGAN.

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pendency of the suit; and if such defendant shall commit any waste thereon, or shall threaten to make preparations to commit waste thereon, the court in which such suit is pending, or any circuit judge, or circuit court commissioner, either in term or vacation, shall have power, on the application of the plaintiff, to make an order restraining the defendant from the commission of any waste, or further waste thereon.

Defendant  
may be re-  
strained  
from the  
commission  
of waste.

Sec. 13. Section eight of said chapter shall be so altered and amended as to read as follows:

If any person shall commit, or threaten, or make preparations to commit any waste on any real estate which shall be attached or levied upon by execution in any civil action, the court from which such execution or attachment shall have issued, any circuit judge or circuit court commissioner, may, on the application of the plaintiff, either in term or vacation, make an order restraining such person from committing any waste or further waste thereon.

## CHAPTER 115.

Sec. 14. Section three of chapter one hundred and fifteen is altered and amended so as to read as follows:

Such appointment shall be made as follows:

If the suit be intended to be brought in the circuit court, by any judge thereof, or circuit court commissioner.

Sec. 15. Section nine of said chapter one hundred and fifteen, is altered and amended so as to read as follows:

Such appointment shall be made upon the request of <sup>How made.</sup> such defendant, and upon the written consent of any competent person proposed as guardian, by the court, or any circuit judge, or any circuit court commissioner for the county.

## CHAPTER 122.

Sec. 16. Section two, of chapter one hundred and twenty two, is altered and amended so as to read as follows:

Warrant to  
enforce  
claim.

Any person having any such claim or demand as is specified in the preceding section, may make application to any officer authorized to perform the duties of a circuit judge at chambers, or to any judge of any court of record in the county within which such ship, boat or vessel shall then be, for a warrant to enforce the lien of such claim or demand, and to collect the amount thereof.

### CHAPTER 123.

Sec. 17. Section three, of chapter one hundred and twenty-three, is altered and amended so as to read as follows:

Suit for the  
recovery of  
lands.

The person entitled to the possession of the premises, his agent or attorney, may make complaint in writing and on oath, and deliver the same to a circuit court commissioner, or a judge of the circuit court for the county, setting forth that the person complained of is in possession of the lands and tenements in question, describing them, and that he entered into the same with force, or that he unlawfully holds the same by force, as the case may be.

Sec. 18. Section thirteen of said chapter is altered and amended so as to read as follows:

1b.

In the cases specified in the preceding section, the person entitled to the possession of the premises, his agent or attorney, may make complaint in writing and on oath, and deliver the same to a circuit court commissioner, or judge of the circuit court for the county, setting forth that the person complained of is in possession of the lands or tenements in question, describing them, and that such person holds the same unlawfully and against the right of the complainant.

### CHAPTER 134.

Sec. 19. Section three of chapter one hundred and thirty-four, is altered and amended so as to read as follows:

Such writs may also be issued by any justice of the supreme court, judges of a circuit court, or any officer authorized to perform the duties of such circuit judge, upon the like application of a party to any suit or proceeding pending in a court of record, or pending before any officer or body who may be authorized to examine witnesses in any suit or proceeding.

Sec. 20. Section nine of said chapter is altered and amended so as to read as follows:

Application for such writ shall be made by petition, signed either by the party for whose relief it is intended, or by some person in his behalf, as follows:

To the supreme court during its sitting;

The supreme court or to any of the circuit judges or any officer who may be authorized to perform the duties of a circuit judge at chambers, or to a circuit court commissioner, being or residing within the county where the prisoner is detained; or, if there be no such officer within such county, or if he be absent, or for any cause be incapable of acting, or having refused to grant such writ, then to some officer having such authority, residing or being in any other county.

Sec. 21. Section forty-three of said chapter is altered and amended so as to read as follows, to wit:

Upon the production of such order to any circuit court commissioner of any county in which such prisoner may be, or to any judge of a court of record, he shall be authorized to take the recognizance of the person so detained, and of two sufficient sureties, in the sum so directed, with a condition for the appearance of such person at the court designated in such order; but previous to taking such recognizance, such officer shall be satisfied by the oath of persons offering themselves as sureties, that they are householders of the county, and are severally

worth double the sum in which they shall be required to be bound, over and above all demand against them.

### CHAPTER 138.

Sec. 22. Section seven of chapter one hundred and thirty-eight is altered and amended so as to read as follows:

*Writs of error.* Writs of error upon judgments in all other criminal cases shall issue of course, but they shall not stay or delay the execution of the judgment or sentence, unless they shall be allowed by one of the justices of the supreme court, or a circuit judge, with an express order thereon for a stay of proceedings on the judgment or sentence.

Sec. 23. Section fifteen of said chapter is altered and amended so as to read as follows:

*Writs of certiorari.* Writs of certiorari may be allowed by any justice of the supreme court, or judge of the circuit court, or circuit court commissioner.

### CHAPTER 141.

Sec. 24. Section three of chapter one hundred and forty-one is altered and amended so as to read as follows:

*Power of plaintiff to arrest defendant.* In all cases whereby the preceding provisions of this chapter, a defendant cannot be arrested or imprisoned, it shall be lawful for the plaintiff who shall have commenced a suit against such defendant, or shall have obtained a judgment or decree against him, in any court of record, or justice's court, to any judge of the court in which such suit is brought, or to any circuit judge or circuit court commissioner, or to any justice of the peace before whom such suit is pending or judgment obtained, or before whom such proceedings shall have been transferred, for a warrant to arrest the defendant in such suit.

### CHAPTER 142.

Sec. 25. Section three of chapter one hundred and forty-two is altered and amended so as to read as follows:

Executors and administrators may become petitioning creditors for the discharge of an insolvent, under the order of the judge of probate, to whom they may be liable to account, or of a judge of the circuit court; and shall be chargeable only for such sum as they shall actually receive on the dividend of the insolvent estate.

Sec. 26. Section six of said chapter is altered and amended so as to read as follows:

Every such petition may be presented to a judge of the Petition circuit court, or a circuit court commissioner.

#### CHAPTER 162.

Sec. 27. Section one of chapter one hundred and sixty-two, is altered and amended so as to read as follows:

The justices of the supreme court, the several circuit judges, circuit court commissioners, all mayors and recorders of cities, and all justices of the peace, shall have power to cause all the laws made for the preservation of the public peace, to be kept, and in the execution of this power, may require persons to give security to keep the peace in the manner provided in this chapter.

#### CHAPTER 163.

Sec. 28. Section one of chapter one hundred and sixty-three is altered and amended so as to read as follows:

For the apprehension of persons charged with offences, excepting such offences as are cognizable by justices of the peace, the justices of the supreme court, the several circuit judges and circuit court commissioners, mayors and recorders of cities, and all justices of the peace, shall have power to issue processes to carry into effect the provisions of this chapter.

Sec. 29. Section twenty-six of said chapter is altered and amended so as to read as follows:

Officers before whom persons charged with crime shall be brought, shall have power to let them to bail, as follows:

In whom vested.

Any justice of the supreme court, judge of a circuit court, circuit court commissioners, in all cases, except for capital offences, or for murder in the first degree, where the proof is evident or the presumption great;

Bail.

Any justice of the peace, or mayor or recorder of a city, in all cases where the punishment for the offence charged shall be less than imprisonment for life in the State prison.

Sec. 30. The second section of the act entitled "an act to provide for the transfer of causes from one circuit court to another, in certain cases," approved February twelfth, one thousand eight hundred and fifty-five, is altered and amended so as to read as follows:

Transfer of suit.

Any party desiring to transfer any such suit or proceeding as is hereinbefore mentioned, may apply to a circuit court commissioner of the county where said suit is pending, or to the judge of any adjoining circuit, who is not within the disqualifications mentioned in the first section of this act, for an order to transfer such suit; such application shall be in writing and shall set forth the grounds specifically for such transfer. The parties to any such suit may, by stipulation in writing, consent to the transfer of such suit or proceeding without any application to the judge or commissioner; in which case the stipulation shall have the same effect as an order duly made for such transfer under the provisions of this act.

Approved January 29, 1858.

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[ No. 5. ]

AN ACT to amend an act entitled "an act to define the limits, jurisdiction and powers of Circuit Courts," approved April 8, 1851.

SECTION 1. *The People of the State of Michigan enact,*  
That section one, of an act entitled "an act to define the

limits, jurisdiction and powers of Circuit Courts," approved April 8, 1851, be amended so that said section shall read as follows:

**SECTION 1.** *The People of the State of Michigan enact,* Limits of circuits.  
That the State shall be composed of ten judicial circuits, to be denominated the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth circuits, respectively, and to be composed as follows:

The first circuit shall be composed of the counties of Monroe, Lenawee and Hillsdale.

The second circuit shall be composed of the counties of Branch, St. Joseph, Cass and Berrien.

The third circuit shall be composed of the counties of Wayne and Cheboygan.

The fourth circuit shall be composed of the counties of Washtenaw, Jackson and Ingham.

The fifth circuit shall be composed of the counties of Eaton, Calhoun, Kalamazoo and Van Buren.

The sixth circuit shall be composed of the counties of St. Clair, Macomb, Oakland and Sanilac.

The seventh circuit shall be composed of the counties of Livingston, Shiawassee, Genesee, Lapeer, Tuscola and Saginaw.

The eighth circuit shall be composed of the counties of Ionia, Clinton, Kent, Montcalm and Barry.

The ninth circuit shall be composed of the counties of Allegan, Ottawa, Newaygo, Oceana, Mason, Manistee, Manitou, Grand Traverse, and the following unorganized counties shall also form a part of said circuit, and be attached to the following organized counties for judicial and municipal purposes—to the county of Grand Traverse there shall be attached for the purposes aforesaid, the counties of Emmet, Charlevoix, Antrim and Kalcaska—to the county of Manistee there shall be attached for the purposes aforesaid, the counties of Wexford and Missau-

Counties attached for certain purposes.

kee—to the county of Mason, shall be attached for the purposes aforesaid, the county of Lake—to the county of Newaygo there shall be attached for the purposes aforesaid, the counties of Mecosta and Osceola.

b. The tenth circuit shall be composed of the counties of Gratiot, Isabella, Midland, Iosco and Alpena, and the following unorganized counties shall also form a part of said circuit, and be attached to the following organized counties for judicial and municipal purposes—to the county of Midland, there shall be attached for the purposes aforesaid, the counties of Arenac, Gladwin, Clare and Roscommon—to the county of Iosco, there shall be attached for the purposes aforesaid, the counties of Ogemaw, Oscoda, Alcona and Crawford—to the county of Alpena, there shall be attached for the purposes aforesaid, the counties of Otsego, Montmorency and Presque Isle.

Election of  
circuit judge  
and regent  
of the Uni-  
versity.

Sec. 2. There shall be elected on the first Monday of April, in the year one thousand eight hundred and fifty-eight, one circuit judge and one regent of the University in each of the ninth and tenth judicial circuits, as organized by the provisions of this act, in the manner provided for the election of judges and regents of the University in the several circuits of the State, according to the provisions of an act entitled "an act to provide for the election of circuit judges and regents of the University," approved March 10, 1851, and the subsequent elections for such officers, and the termination of their respective terms, shall be at the times required by the constitution for judges and regents in other circuits, and each of the judges for said circuits respectively, shall, on or before the

Judges to fix  
the time for  
holding courts.

first day of June, A. D. 1858, and every two years thereafter, fix and appoint the time of holding the several terms within his circuit for the period of two years, which appointment when so made, shall remain unalterable for two years thereafter, and he shall immediately transmit to the

county clerk of each county within his circuit, a notice of the appointment of terms so made by him, and it shall be the duty of said clerk to preserve and file such notice, and said county clerk shall cause a copy of such notice to be <sup>Duty of Co.</sup> posted in some conspicuous place in his office, at least six <sup>clerk.</sup> successive weeks before the holding of any term in pursuance thereof.

Sec. 3. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

This act shall take effect immediately.

Approved January 29, 1858.

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[No. 6.]

AN ACT authorizing a loan to pay those parts of the State indebtedness falling due before and on the first day of January, A. D., (1859,) eighteen hundred and fifty-nine, and providing for a temporary loan, if necessary.

SECTION 1. *The People of the State of Michigan enact,* <sup>Governor & State Treasurer to contract for loans.</sup> That the Governor and State Treasurer are hereby authorized and directed in the name and behalf of the people of this State, to negotiate and contract for a loan or loans not exceeding in all two hundred and sixteen thousand dollars, redeemable at the pleasure of the State, at any time after the expiration of twenty years from and <sup>When to be redeemed.</sup> after the first day of July, in the year one thousand eight hundred and fifty-eight, on the best and most favorable terms and conditions, that in their judgment can be obtained, at an interest not exceeding six (6) per centum per <sup>Rate of interest.</sup> annum, payable half yearly, to be expended and applied solely in taking up and canceling outstanding bonds issued pursuant to the provisions of an act entitled "an act to provide for the relief of the Detroit and Pontiac railroad company," approved on the fifth day of March, in the year A. D. (1838) eighteen hundred and thirty-eight; outstanding bonds issued pursuant to the provisions of an act enti-

tled "an act authorizing the building of the State penitentiary," approved on the twenty-second day of March, in the year A. D. 1838, and outstanding bonds issued pursuant to the provisions of an act "entitled an act to authorize a loan of a certain sum of money to the University of Michigan," approved on the sixth day of April in the year A. D. (1838) eighteen hundred and thirty-eight.

*Certificates  
of stocks or  
bonds.*

*Amount of  
each.*

*Are to be  
transferra-  
ble.*

*Interest,  
when and  
where paya-  
ble.*

*Proviso.  
Bonds, how  
sold*

*Money, how  
to be appli-  
ed.*

Sec. 2. For the purpose of affecting the loan or loans aforesaid, the Governor and State Treasurer are hereby empowered and directed, after having first advertised for such loan in one of the daily papers in each of the cities of Detroit, Boston and New York, for at least thirty days prior to negotiating said loan, to cause to be made and issued certificates of stock or bonds, in sums of not less than one thousand dollars each, to be signed by the Governor and countersigned by the Secretary of State and State Treasurer, with the great seal of the State affixed thereto, which said certificates of stock or bonds shall be drawn in favor of the Auditor General, and being endorsed by him, shall become transferable and be delivered to the Governor and State Treasurer, and be transferable by them in such form as they shall decide, to be redeemable as aforesaid, and to bear interest as aforesaid, payable on the first days of July and January in each year, in the city of New York, or elsewhere in the United States, should the Governor and State Treasurer find it convenient and advantageous so to contract; and it is hereby further declared that it shall be deemed a sufficient execution of said power to borrow, that the Governor and State Treasurer have caused the said certificates of stock or bonds to be executed and sold: *Provided*, That said certificates of stock or bonds shall not be sold for less than their par value, and the money obtained from said loan or loans shall be paid over to the State Treasurer, to be applied for the purposes directed in this act.

Sec. 3. The faith of the State is hereby pledged for the payment of any loan or loans that shall be made pursuant to the provisions of this act.

Sec. 4. All necessary contingent expenses incurred by the Governor and State Treasurer in carrying out the provisions of this act, shall be audited by the Board of State Auditors and paid out of any moneys in the treasury not otherwise appropriated: *Provided*, That the State Treasurer shall not sit as a member of said Board, nor have a vote in auditing any claim or claims under this section.

Sec. 5. The certificates of stock or bonds, the issue of which is authorized by this act, shall be numbered and registered in a proper book to be prepared and kept for that purpose by the Auditor General in his office; which register shall contain the number, amount and when each certificate of stock or bond becomes due, the rate of interest, and when and where the interest is payable. And the Auditor General shall keep full minutes of the certificates of stock and bonds taken up and paid under the provisions of this act, in a book to be provided and kept by him in his office for that purpose, and immediately after said minutes shall have been taken as aforesaid, the same certificates and bond shall be canceled in writing across the face of each, which cancellments shall be signed by the Secretary of State and State Treasurer, and said certificates and bonds, thus canceled, shall be filed in the office of the Secretary of State.

Sec. 6. The Governor and State Treasurer are hereby authorized and directed, in the name of the people of the State of Michigan, to negotiate and contract for a temporary loan or loans, not exceeding in all fifty thousand dollars (should it become necessary to do so, to meet deficiencies in the revenue) upon the same terms and conditions as the loan or loans hereinbefore are authorized, redeemable at the pleasure of the State at any time.

## LAWS OF MICHIGAN.

*Rate of interest.**Proviso.*

time after the expiration of two years from and after the first day of July next, at an interest not exceeding seven per centum per annum, to meet deficiencies in the ordinary revenues of the State, should any exist—and all the provisions of the preceding sections of this act shall govern and control the proceedings under this section, so far as they are applicable and not inconsistent herewith: *Provided*, That the Governor and State Treasurer shall not be compelled to advertise for the loans authorized under this section.

This act is ordered take immediate effect.

Approved January 30, 1858.

[ 'No. 7. ]

**AN ACT** to authorize the Township of Holland, and other Townships, in the Counties of Ottawa and Allegan to make loans and levy taxes for the improvement of the harbor at the mouth of North Black River, in Ottawa County.

*Loan or tax authorized.**How the money is to be expended.**Amount of bonds, when payable.**Rate of interest.**Proviso.*

SECTION 1. *The People of the State of Michigan enact*, That the township of Holland, in the county of Ottawa, is hereby authorized and empowered to borrow money on the faith and credit of said township, and issue its bonds therefor, or levy taxes to an amount not exceeding one per centum upon its taxable property, in any one year, which money shall be expended in improving the entrance from Lake Michigan to Black Lake harbor, in said township.

Sec. 2. Said township bonds may be issued for sums not less than (\$100 00) one hundred dollars each, and for a time payable not less than (5) five years, and at a rate of interest not exceeding (7) seven per centum, payable by coupons, annually, which bonds shall be signed by the supervisor and countersigned by the clerk of said township: *Provided*, That a majority of all the taxable inhabitants of said township, voting at any annual or special meeting

thereof, shall vote by ballot for such loans, and not otherwise; *And provided also,* That said bonds shall in no case be sold for less than their par value.

**Sec. 3.** If said loans are authorized by a majority of the electors, the township board may order the issue of said bonds from time to time, and may appoint one or more agents to negotiate the same, requiring such bonds for the faithful performance of their duty, as to such board may seem proper, and the moneys so obtained shall be paid over to the treasurer of the township, to be known as the "Black Lake Harbor Fund," who shall give such bonds for the faithful performance of his duty in this behalf, as the township board may require.

**Sec. 4.** Said township board shall appoint (7) seven freeholders of the township, to hold their office for such length of time as said board shall determine, and to appoint their successors, and fill all vacancies as necessities may require, whose duty it shall be to build, widen, excavate, improve and keep in repair the harbor at the mouth of North Black River aforesaid, in such manner as they shall deem best, and to such end shall use and disburse all moneys raised for such purpose, and the same shall be drawn out of the fund aforesaid, only upon the order of the supervisor, signed by himself and countersigned by the clerk thereof:

*Provided,* That the letting of the work of improvement herein contemplated, shall first be advertised for (4) four successive weeks in a newspaper published in the city of Detroit, and in the village of Holland at least (6) six weeks before the letting of said work; and said letting shall be given to the lowest bidder therefor, who shall give sufficient security for the faithful performance of said work.

**Sec. 5.** The supervisor of said township, shall, from time to time, as shall be necessary, levy and assess a tax upon the taxable property of said township, sufficient to meet the bonds issued by the township as aforesaid, and interest

Taxable inhabitants to vote on the question.

Powers of township board.

Duties of township treasurer.

Their powers and duties.

Condition of the drawing and disbursement of the fund.

Contracts given to the lowest bidder. Security required.

Duties of supervisor in relation to a tax.

## LAWS OF MICHIGAN.

thereon, as they shall from time to time become due, and  
How the tax  
is to be col-  
lected and  
applied. all necessary expenses and said tax shall be assessed and collected in the same manner as other taxes are by provisions of law assessed and collected, and the tax thus collected shall be exclusively applied and appropriated to the payment of the loans, bonds, expenses and interests aforesaid.

Voluntary  
grants of  
land may be  
received by  
the town-  
ship. Sec. 6. For the purposes herein provided for, it shall be lawful for said township to take, receive and hold such voluntary grant, or donation of land or other property, as shall be made in aid of said improvement, and to purchase, take and hold such real estate or other property, as may be necessary for such purpose, and for the acquiring of such title, said township board shall proceed in all respects as near as may be applicable, in accordance with the provisions of an act entitled "an act to provide for the incorporation of railroad companies, approved February 12th, twelfth, (1855,) eighteen hundred and fifty-five, and all other acts amendatory thereto.

May pur-  
chase and  
hold real es-  
tate.

The provi-  
sions of this  
act extend  
ed to other  
townships. Sec. 7. The provisions of this act shall apply to any other township in the counties of Ottawa and Allegan, for the object aforesaid, and said townships shall, in the same manner act jointly with the township of Holland in prosecuting the said improvement of Black Lake harbor, each township thereupon, having a voice in the prosecution of said work, and all matters connected therewith, relatively, according to and in proportion to the amount of moneys raised by each of said townships.

This act is ordered to take immediate effect.

Approved February 2, 1858.

## [ No. 8. ]

AN ACT to enlarge the boundaries of the Township of Teal Lake, in Marquette county.

SECTION 1. *The People of the State of Michigan enact,* Boundaries defined.  
That so much of the county and township of Marquette, as is designated in the United States survey as township forty-seven north, of range twenty-six west, be included in the township of Teal Lake, and subject to the provisions of the act providing for the organization of the same, approved February 10, 1857.

This act is ordered to take immediate effect.

Approved February 3, 1858..

## [ No. 9. ]

AN ACT extending the powers of the Board of Control, having in charge the grants of lands made to the State of Michigan for Railroad purposes, approved February (14) fourteenth, (1857) eighteen hundred fifty-seven.

SECTION 1. *The People of the State of Michigan enact,* Board of control may allow the flat bar iron rail to be used on rail roads in the Upper Peninsula.  
That the board of control named in the act aforesaid, be and they are hereby authorized and empowered to allow the substitution of a flat bar iron rail, instead of the T or continuous rail, in the construction of the several railroads in the Upper Peninsula of this State, if in their opinion the same shall be most advantageous for the interests of the State, and of the several companies constructing the same.

This act is ordered to take immediate effect.

Approved February 3, 1858.

[ No. 10. ]

**AN ACT** to amend an act entitled an act to re-organize the county of Emmet, approved February thirteenth, one thousand eight hundred and fifty-five.

*Sections amended.*

**SECTION 1.** *The People of the State of Michigan enact,* That sections two and nine of an act entitled an act to re-organize the county of Emmet, approved February thirteenth, one thousand eight hundred and fifty-five, be and the same is hereby amended so as to read as follows:

*Election, when held.*

Sec. 2 There shall be elected on the third day of August next, all the several county officers to which by law the county is entitled, and the said election and the canvass shall in all respects be conducted in the manner prescribed by law for holding elections and canvasses for county and State officers; and the canvass shall be held at Mackinac City, in said county, on the Tuesday next succeeding said election, and the said county officers shall immediately be qualified and enter upon their respective offices, and their respective offices shall expire at the same time they would have expired had they been elected at the last general election.

*Officers, when to be qualified.*

Sec. 9. The county seat of said county of Emmet shall be and hereby is established at Mackinac City, being on part of sections twelve and thirteen in town thirty-nine north of range four west.

Sec. 4. This act shall take immediate effect.

Approved February 3, 1858.

[ No. 11. ]

**AN ACT** to authorize the District Judge of the Upper Peninsula to convey lands held in trust in the town site of the village of Ontonagon, in the county of Ontonagon.

*Preamble.*

*Whereas,* The Congress of the United States, by an act approved May twenty-third, one thousand eight hundred

and forty-four, provided as follows: "That whenever any portion of the surveyed public lands has been or shall be settled and occupied four years as the site of a town, and therefore not subject to entry under the existing pre-emption laws, it shall be lawful for the corporate authorities thereof, and if not incorporated, for the judge of the county court for the county in which such town may be situated, to enter at the proper land office, and at the minimum price, the land so settled and occupied, in trust for the several use and benefit of the occupants thereof, according to their respective interests; the execution of which trust, as to the disposal of the lots in such town, and the proceeds of the sale thereof, to be conducted under such rules and regulations as may be prescribed by the legislative authority of the State or Territory in which the same is situated: *Provided*, That the entry of the lands intended by this act shall be made prior to the commencement of the public sale of the body of land in which it is included, and that the entry shall include only such land as is actually occupied by the town, and be made in conformity to the legal sub-divisions of the public lands authorized by act of the twenty-fourth of April, one thousand eight hundred and twenty, and shall not in the whole exceed three hundred and twenty acres: *And provided also*, That any act of said trustees not made in conformity to the rules and regulations herein alluded to, shall be void and of no effect. *And whereas*, Allen Gardiner, John Greenfield and others settled upon and occupied certain lands, as a town site, known as "Gardiner's addition" to the town of Ontonagon, in the county of Ontonagon, in the State of Michigan, the same being subject to entry as in said act provided; *And whereas*, The county courts are abolished, and the jurisdiction herefore possessed by them is vested in the district court, the judge of which is sole judge of the Upper Peninsula, of the courts held in said county of Ontonagon, and the only per-

## LAWS OF MICHIGAN.

son now authorised to make such entry and hold such lands in trust, said town being unincorporated: *And whereas*, The United States have, agreeable to the act aforesaid, heretofore conveyed to Daniel Goodwin, judge of the district court of the Upper Peninsula, and of the courts of the county of Ontonagon, certain lands in trust for a town site known as "Gardiner's addition" to the town of Ontonagon, being lot number one of section number thirty-six, in township number fifty-two north, of range forty west; *therefore*,

<sup>'Powers of  
district  
judge.'</sup>

<sup>Lands to be  
sold.</sup>

<sup>Deeds to be  
given to oc-  
cupants.</sup>

<sup>Conditions  
of the deliv-  
ery of deed.</sup>

SECTION 1. *The People of the State of Michigan enact*, That the Hon. Daniel Goodwin, district judge of the Upper Peninsula, and judge of the courts held in and for the county of Ontonagon, in the State of Michigan, be, and he and his successors in office are hereby authorized and empowered to dispose of the following lands now held by him, in trust, for the benefit of the occupants thereof, to wit: lot number one of section number thirty-six, in township number fifty-two north, of range forty west, in said county of Ontonagon, it being known as "Gardiner's addition" to the town of Ontonagon, in pursuance to the act mentioned in the foregoing preamble, and in conformity thereto, and under the rules and regulations hereinafter contained.

Sec. 2. Said judge shall, as trustee of the occupants of that part of the town site of Ontonagon, in the county of Ontonagon, described as lot number one, of section number thirty-six, in township number fifty-two north, of range number forty west, deed and convey unto the occupants severally of the lots, or tracts of land held by them by virtue of contracts made with Allen Gardiner and John Greenfield, aforesaid. Such deeds, so to be made and delivered on the compliance of the person claiming, with the conditions and terms of the contract under which he, she or they so claimed, whether such contract be written or verbal; and all such deeds to be delivered only after such compli-

ance and on the payment by or for the person to whom any such lot is to be conveyed, of his, or her or their pro-rata amount of such sum as may be sufficient to defray all necessary expenses. The amount to be determined by such judge, thereon.

Sec. 3. Said judge shall, after conveying to each and every person having a legal claim to any part or parcel of said lot of land, by virtue of any contract made by said Allen Gardiner and John Greenfield, convey the remainder thereof to the said Allen Gardiner and John Greenfield, their heirs, executors or representatives, according to their respective interests in said land.

Sec. 4. Should any controversy or matter of difference arise between the respective parties claiming any of the lots aforesaid, such judge shall proceed summarily to determine the same upon such testimony, such notice to the parties interested, and at such times as he may prescribe and direct; and his decision thereon shall be conclusive and final, subject only to review, reversal, modification or affirmance by the supreme court, in such manner as said supreme court may determine, on application duly made for that purpose, within six months after such decision of the judge thereon.

Sec. 5. The supreme court are hereby authorized on application made as aforesaid, to review and decide upon such decision of such judge, and may direct a re-hearing of such controversy in such manner as the circumstances of the case may seem to require.

Sec. 6. This act shall take immediate effect.

Approved February 3, 1858.

## [ No. 12. ]

**AN ACT** for the Relief of the Genesee and Oakland Railroad Company.

~~Time extend.  
ded.~~ **SECTION 1.** *The People of the State of Michigan enact,*  
That the time for complying with the terms of the act incorporating the Genesee and Oakland railroad company, is hereby extended to said company for three years from and after the first day of December next.

**Sec. 2.** This act is ordered to take effect in thirty days after its approval.

Approved February 3, 1858.

## [ No. 13. ]

**AN ACT** to amend an act entitled "an act to repeal chapter (25) twenty-five of the Revised Statutes of (1846) eighteen hundred and forty-six; also, act (88) eighty-eight, entitled "an act to amend chapter (25) twenty-five of the Revised Statutes of (1846) eighteen hundred and forty-six, relative to laying out, altering, and discontinuing highways," approved March (18) eighteenth, (1848) eighteen hundred and forty-eight; also, act No. (72) seventy-two, entitled "an act to amend chapter (25) twenty-five of the Revised Statutes of (1846) eighteen hundred and forty-six, approved March (15) fifteenth, (1848) eighteen hundred and forty-eight, and to provide for altering, laying out and discontinuing highways," approved February (17) seventeenth, (1857) eighteen hundred and fifty-seven.

**SECTION 1.** *The People of the State of Michigan enact,*  
That an act entitled an act to repeal chapter (25) twenty-five of the revised statutes of (1846) eighteen hundred and forty-six; also, act (88) eighty-eight, entitled an act to amend chapter (25) twenty-five of the revised statutes of (1846) eighteen hundred and forty-six, relative to laying out, altering and discontinuing highways, approved March (18) eighteenth, (1848) eighteen hundred and forty-eight; also, act No. (72) seventy-two, entitled an act to amend

chapter (25) twenty-five of the revised statutes of (1846) eighteen hundred and forty-six, approved March (15) fifteenth, (1848) eighteen hundred and forty-eight, and to provide for altering, laying out and discontinuing highways, approved February (17) seventeenth, (1857) eighteen hundred and fifty-seven, be so amended as to read as follows:

"That whenever any (10) ten or more freeholders of any township shall wish to have a highway in any part of such township, not included within the corporate limits of any city or village, altered, laid out or discontinued, they may, by writing under their hands, make application to the commissioners of highways of the township for that purpose, who shall proceed to alter, lay out, or may discontinue such highway, as hereinafter directed: *Provided*, That no second application shall be made within twelve (12) months for the same purpose: *Provided*, That whenever the person or persons through whose land the proposed highway is to be altered or laid out, shall give his, her or their consent, in writing, according to the provisions of section (17) seventeen of this act, and release any claim for damages, the commissioners of highways shall have power to alter or lay out the proposed highway, without the intervention of a jury or commissioners appointed by a court of record, as hereinafter provided, and shall certify their action to the township clerk.

No. of free-holders necessary to make application.

Application, to whom made.

Powers of commissioners.

Sec. 2. Whenever the commissioners of highways shall be applied to as mentioned in the preceding section, to alter or lay out any highway, they, or one of them, shall, within five (5) days thereafter, make application to a justice of the peace of the same or adjoining township, for the appointment of a jury of twelve (12) freeholders of the county, to ascertain the necessity of taking the property described in such application, and to appraise the damage thereon, which application shall be in writing, and

Provision for a jury.

describe the premises through which it is proposed to alter or lay out such highway.

*Duty of justice.* Sec. 3. Upon the receipt of such application, the justice shall appoint a time and place for that purpose, and shall issue a citation or notice stating the object, time and place of such meeting, which shall be served by the highway commissioners on the owner or occupants of lands through which it is proposed to alter or lay out such road, at least (10) ten days before such time; and in case any such land is unoccupied, the notice may be served by posting up the same in three public places in the township, (10) ten days before the time of meeting.

Sec. 4. If the commissioners, or any one of them, and the owners or occupants of such lands, or such as may be present, cannot agree upon any other mode of appointing such jurors, they shall be appointed in the following manner:

*Mode of appointing jurors.* The justice may make a list of twenty-four disinterested freeholders residing in the county, and each party may object to six on the list, and if either party fail to appear, or refuse to act, the justice and the other party, or the justice alone, may strike out the names of twelve, and the remaining twelve (12) shall be the jurors selected, and the justice may continue the hearing of the application for not less than six, nor more than (12) twelve days.

Sec. 5. The justice shall then annex to the application a warrant under his hand, returnable on said adjourned day, and issue the same, directed to any constable of the county, commanding him to summon the said jurors to be and appear at the place appointed on the said adjourned day, to serve as jurors, to ascertain the necessity of taking certain property for highway purposes, and to appraise the damages thereon; and if all the jurors shall not appear, the justice shall cause a sufficient number of talismen to be summoned to make a full jury. And if said jury shall fail

to agree and return a verdict to the parties (justice) within the time provided by this act, they shall be, by such justice, discharged, and a new jury empanelled within (12) twelve days, upon the same application and in the same manner and form as herein provided for empanneling a jury.

*Provision for  
new jury.*

Sec. 6. The jurors shall be sworn by such justice, to <sup>Duty of ju-</sup><sub>rors</sub> ascertain the necessity of taking the property described in the application, and justly and impartially to appraise the damage thereon, if any is claimed. They shall then proceed to view the premises described, and shall, within (5) five days thereafter, make return to the said justice in writing, to be signed by them of their doings, which shall state, if such road be altered or laid out, the necessity of taking the property described in such application, the amount of damages appraised, if any, to whom payable if known, and a statement of the time spent by them for that purpose, which return shall be certified by such justice, and filed in the office of the township clerk.

Sec. 7. Such jurors shall be entitled to receive (\$1) one dollar per day, and fifty (50) cents for each half day, and the justice and constable each (\$1) one dollar for their fees; and the damages which shall be assessed as hereinbefore provided, upon altering or laying out any highway, and all the lawful charges against the township for services, fees and expenses consequent upon altering or laying out such highway, shall be levied and collected in the township within which such highway is situated, and shall be paid upon the order of the township board as other township charges, except as hereinafter provided.

*Compensa-  
tion of ju-  
rors, how  
paid.*

Sec. 8. Whenever the commissioners of highways of one township shall disagree with the commissioners of an adjoining township, whether in the same or another county, in any matter relating to a highway on the line between the two townships, the commissioners of both town-

*Action in  
case com-  
missioners  
disagree.*

ships, or a majority of them shall meet at the request of the commissioners of either township, and make their determination upon such subject of disagreement.

Proceedings  
as to roads  
between two  
townships. Sec. 9. Whenever it shall become necessary to have a highway altered or laid out upon the line between two townships, application for that purpose may be made to the commissioners of either township, who shall proceed to lay out or alter such road in the manner provided by this act; but they shall cause the survey, or a copy thereof certified by them, to be filed in the office of the township clerk of each township. Upon proceeding to alter or lay out such road, application may be made to a justice of the peace of either township for the appointment of jurors who may be drawn equally from the townships on the line between which said road runs. The said jurors shall appraise the amount of damage to be paid by each township, and the return of their doings shall be certified by the justice and filed in the office of the township clerk of each township.

Duties of  
commission-  
ers. Sec. 10. The commissioners of highways of such adjoining townships, upon altering or laying out a highway upon the line thereof, shall determine what part of such highway shall be made and repaired by each township, and each township shall have all the rights and be subject to all the liabilities in relation to the part of such highways to be made and repaired by such township as if the same was located wholly in such township.

Width of  
road. Sec. 11. Public roads to be laid out according to the provisions of this act, shall not be less than (4) four rods wide, except in cities or villages, where the commissioners or other proper authorities may otherwise determine.

Length of  
notice. Sec. 12. Whenever commissioners of highways are applied to, as provided in section (1) one of this act, to discontinue a road, they shall give at least (10) ten days notice, in writing, to the owners or occupants of lands through

which said road runs, of the time when and place where they will meet for that purpose; and in case such land or any part is unoccupied, such notice may be given by posting up the same in (3) three public places in the township.

In case the commissioners shall deem it advisable to dis-  
Order filed  
with town-  
ship clerk.  
continue such road, they shall make and sign an order to that effect, and cause the same to be filed in the office of the township clerk, from and after the time of filing which, such road shall cease to be a public highway, unless an appeal shall be taken from the determination of said commissioners, as hereinafter provided.

Sec. 13. The commissioners of highways, or (1) one of them, may, instead of making application for the appointment as (of) jurors, as provided in section (2) two, of this act, make application to any court of record, for the appointment of (3) three commissioners, whose duty it shall be to ascertain the necessity of taking the property described in such application, and to appraise the damage thereon, if any is claimed. The application shall be in writing, and describe the premises proposed to be taken for such highway purposes, and notice thereof shall be given, at least (5) five days previous to making such application, to the owners or occupants of lands described in the application, and such notice may be served by the highway commissioners, in the same manner as provided in section three (3) of this act, and such court shall be entitled to receive for his services on each application for the appointment of commissioners, as provided in this act, the sum of (\$1) one dollar.

Sec. 14. The commissioners so appointed, shall be sworn by one of the commissioners of highways, to ascertain the necessity of taking the property described in the application, and justly and impartially to appraise the damage thereon, if any is claimed. They shall then proceed to view the premises, and shall, within (5) five days thereaf-

## LAWS OF MICHIGAN.

ter, make return of their doings in writing, signed by them, to the township clerk, which return shall state if such road is altered or laid out, the necessity of taking the property described in such application, the amount of damage appraised thereon, to whom payable, if known, and shall be filed in the office of the township clerk. The said commissioners shall be entitled to the same compensation as jurors are, under the provisions of this act. The damages appraised by said commissioners, together with all the costs of the proceeding, shall be levied, collected and paid in the manner prescribed in this act.

*Damages,  
etc.*

Sec. 15. If any discontinued highway shall be attached to a tract of land through which a new highway shall be laid out, the same may be taken into consideration, in estimating the damages sustained by the owners, and in estimating the damages which may be sustained by any person owning or interested in said lands, by reason of laying out or altering any highway, the benefit which such persons shall receive thereby, shall be taken into consideration.

*Existing  
highways  
legalized.*

Sec. 16. All highways heretofore regularly laid out and established in pursuance of existing laws, or statutes heretofore passed by the Legislature and approved by the Governor, are hereby declared to be legal highways, and it shall be the duty of the township clerk to record, in a book to be kept by him for that purpose, all papers filed in his office, relating to the laying out, altering or discontinuing of roads, as provided in this act.

*Lands given  
for highway  
purposes.*

Sec. 17. Whenever the owner or owners of lands shall give the same or any part thereof, to the township for highway purposes, such owner or owners shall make a statement in writing, signed by him or them, to that effect, and cause the same to be filed in the office of the township clerk, of the township in which such lands are situated, and if a road shall be opened and worked thereon within the time limited by the (25) twenty-fifth section of this

act, for opening and working highways, the person or persons signing such statement, or any one claiming under him or them, shall be precluded from having any action to recover possession of such land, or any compensation therefor, so long as the same shall be used for such highway purposes.

Sec. 18. Any person who shall conceive himself aggrieved by any determination of the commissioners of highways of any township, in discontinuing or refusing to discontinue any road, may, within (10) ten days after such determination, appeal to the township board of such township, but an appeal by one person shall not conclude nor affect the rights of any other person, who shall appeal within the time limited; and the said township board shall suspend all proceedings upon appeals received by them, from any such determination, until the time limited for such appeals shall have expired, to the end that their decision, when made, may embrace the whole subject.

Sec. 19. In case of an appeal from a determination of the commissioners of highways of adjoining townships in the same county, or in different counties, relating to a road upon the line of such township, such appeal may be made to the township boards of the said adjoining townships, who shall act jointly in deciding upon the determinations of the said commissioners: *Provided*, That any commissioner who may be a member of the township board shall not act on such appeal.

Sec. 20. Every appeal from a determination of commissioners of highways shall be in writing, addressed to the township board or boards, as the case may be, and signed by the party appealing, and shall briefly state the grounds upon which it is made, and whether it is brought to reverse entirely the determination of the commissioners, or only to reverse a part thereof, and in the latter case it shall specify what part.

## LAWS OF MICHIGAN.

Duty of  
township  
boards.

Sec. 21. It shall be the duty of the township boards, to whom the appeal is made, as soon as may be after the time limited for taking such appeals shall have expired, to give notice to the appellant, and to one or more of the commissioners from whose determination such appeal was taken, of the time when they will proceed to view the premises and hear the appeal.

Sec. 22. Every such notice shall be in writing and served at least (4) four days before the time mentioned therein, by delivering a copy of the same to the appellant and to one of such commissioners, or by leaving a copy thereof at the dwelling house of such appellant and commissioner.

Sec. 23. The said township board or boards shall proceed at the time specified in the notice, to view the premises and to hear the proofs and allegations of the parties, and may adjourn from time to time as may be necessary, and their decision shall be conclusive in the premises, and every such decision shall be reduced to writing, be signed by the township board or boards making the same, and filed by them in the office of the clerk of the proper township, who shall file the same, and give notice thereof to the commissioner of highways, but nothing herein contained shall be construed to prevent a new application under the provisions of this act.

Survey may  
be made.

Sec. 24. Whenever a highway shall be altered or laid out and the same does not run upon a section line, the commissioners of highways shall, if they shall deem the same necessary, cause an accurate survey to be made of the line of said road, and shall file the minutes of such survey in the office of the township clerk of the township in which such road is situated: *Provided*, That in all cases where the premises taken for a highway are required to be set out or described, the said premises or the said highway shall be construed to be the parcel of land not less

Line of sur-  
vey, how  
construed.

than (2) two rods wide on each side of the line of survey, and shall be sufficiently set forth and described for all the purposes of this act by setting forth the line of survey.

Sec. 25. Whenever a public highway shall have been laid out and established, or altered through any enclosed or improved land, and the ascertained damages for such highway shall have been paid or tendered to the owner or occupant, or an order on the treasurer of the proper township for the amount of such damages, shall have been executed and delivered, or tendered to such owner or occupant by said commissioners, said commissioners of highways shall then give the owner or occupant of the land through which said road shall have been laid out or altered, notice thereof, and require him to remove his fence or fences, within such time as they shall deem reasonable, not less than (60) sixty days after giving such notice, and in case such owner or occupant shall neglect or refuse to remove his fence or fences, within the time specified in such notice, the said commissioners shall have full power and authority, and it shall be their duty to enter with such aid and assistance as shall be necessary upon the premises and remove such fence or fences, and open such highway without delay, after the time specified in such notice shall have expired: *Provided*, No person shall be required to remove his fence or fences between the (1st) first day of April and the (1st) first day of November.

Sec. 26. Every public highway already laid out, no part ~~of which~~ of which shall have been opened and worked within (4) four years from the time of the time of its being so laid out, and every such highway hereafter to be laid out, no part of which shall be opened and worked within the like period, shall cease to be a road for any purpose whatever.

Sec. 27. All public highways now in use, heretofore laid out and allowed by any law of this State, or of the late Territory of Michigan, of which a record shall have been

made in the office of the clerk of the county or township, and all roads not recorded, which have been used (10) ten years or more, and all roads which shall be hereafter laid out and not recorded, and which shall be used (10) years or more, shall be deemed public highways, but may be altered or discontinued according to the provisions of this act.

*Powers of  
corporations  
in relation  
to highways*

Sec. 28. In cities and villages, application may be made by (10) ten freeholders, as provided in section (1) one of this act, to the corporate authorities of such city or village, as (and) the corporate authorities of such city or village shall have power, upon such application, to lay out and establish, open, alter or discontinue such streets, commons, lanes, alleys, sidewalks, highways, water-courses and bridges, as may be necessary for the public convenience.

Sec. 29. In case the corporate authorities of any city or village, should require the lands of any person for such purposes, such corporate authorities may cause notice to be given to the owner or party interested, his, her, or their agent or attorney, either by personal service, or by written or printed notice, posted up in at least (3) three public places in said city or village, (3) three weeks next preceding the meeting of the corporate authorities for the purpose aforesaid, and the said corporate authorities of such city or village, are hereby authorized to contract for and purchase such lands for the purposes aforesaid.

*Provision for  
calling a ju-  
ry.*

Sec. 30. In case the owner or owners of such lands, shall refuse to sell the same for the purpose aforesaid, or if the parties fail to agree, it shall and may be lawful for the corporate authorities of such city or village, to cause the clerk or recorder of the same, to issue a *venire facias*, directed to the marshal or other proper officer of such city or village, directing him to summon and return a jury of (12) twelve freeholders to appear before such clerk or recorder, at a time to be therein stated, to inquire into the

necessity of taking said lands or premises, and the just compensation therefor to the owners of, or to those interested in said lands and premises, which jury shall be duly sworn by such clerk or recorder, faithfully and impartially to inquire into the necessity of taking such lands or premises, and the just compensation to be made therefor.

Sec. 31. The said jury shall then proceed to view the <sup>Duties of</sup> ~~jury~~ lands and premises proposed to be taken for such public use, and if they shall deem it necessary for such city or village to take such lands or premises for the public use, shall inquire and assess such damage and recompense as they think proper to award to the owner or owners of such lands and premises, according to their respective estates and interests therein, and the said clerk or recorder shall, upon the return of such assessment or verdict, report the same to the corporate authorities of such city or village, at their next meeting, and the said corporate authorities may thereupon enter an order confirming the same, or may refuse to confirm the same, and order another jury to be summoned in the manner aforesaid; and such second jury when summoned and sworn as aforesaid, shall proceed to inquire into the necessity of taking such lands and premises for the public use, and assess such damages as aforesaid.

Sec. 32. If one or more of such jurors shall fail to attend at the time and place mentioned in the *venire facias*, <sup>Non attend-  
ance of ju-  
rors.</sup> the justice, clerk or recorder before whom such jury were summoned to appear, shall order the constable, marshal or person summoning such jury, forthwith to summon a sufficient number of talismen to make up said jury.

Sec. 33. The damage or compensation so assessed by <sup>Damages,  
do now</sup> said jury, together with the costs and expenses of such proceedings, shall be assessed, levied and collected upon the property of such city or village in the same manner as other taxes or moneys are levied; such damage and recom-

## LAWS OF MICHIGAN.

pense shall be paid or tendered to the claimant or person entitled thereto, before such street, common, lane, alley or highway shall be opened, established or altered; when the damage aforesaid shall have been paid or tendered to the person or persons entitled thereto, it shall be lawful for the corporate authorities of such city or village, to cause the said lands and premises to be used and occupied for the purposes aforesaid.

Appoint-  
ment of  
commission-  
ers provided  
for.

Sec. 34. The clerk or recorder aforesaid may, instead of procuring the summoning of a jury as hereinbefore provided, make an application to a court of record for the appointment of (3) three commissioners, whose duty it shall be to ascertain and determine the necessity of taking the property described in such application, and to appraise the damage thereon, if any is claimed; such application shall be in writing, and describe the premises proposed to be taken for such purpose, and notice thereof shall be given at least (5) five days previous to the time of making such application, to what court such application will be made, and the time of making the same, to the owner or occupant of the lands described in the application, his, her or their agent or attorney, and such notice may be given by the commissioner of highways, clerk or recorder, as the case may be, in the manner provided in section (4) four of this act.

Their pow-  
ers and du-  
ties.

Sec. 35. The commissioners so appointed, shall, before they proceed to the performance of their duties prescribed in the preceding section, be sworn to ascertain and determine the necessity for taking the property described in the application, and justly and impartially to appraise the damage thereon, if any is claimed; such commissioners shall then proceed to view the premises proposed to be taken for such public use, and shall within (5) five days thereafter, make return of their doings in writing, signed by them, to the township, city or village clerk or recorder,

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which return shall state if such highway, street, common, lane or alley is laid out or altered, the necessity therefor, the amount of damage appraised and to whom payable, if known, and shall be filed in the office of the township, city or village clerk or recorder. The commissioners so appointed shall be entitled to receive the same compensation as jurors are entitled to under the provisions of this act.

Sec. 36. Jurors who have been regularly summoned under the provisions of this act, who shall, without good cause shown therefor, neglect or refuse to appear and act in pursuance to said summons, shall forfeit the sum of (5) five dollars, to be recovered by action as other forfeitures to townships.

Sec. 37. The commissioners of highways of the several townships may cause a statement to be presented at the annual township meeting, of the improvements necessary to be made in the roads and bridges in such townships for the ensuing year, and an estimate of the probable expense thereof, beyond what the labor to be assessed for that year will accomplish; and such meeting may vote for the raising of a sum not exceeding ( $\frac{1}{2}$ ) one-half of (1) one per cent. upon the aggregate valuation of the property in the township, according to the assessment roll of the preceding year, and the sum so voted shall be levied and collected in the same manner as other township expenses.

Sec. 38. Chapter (25) twenty-five of the revised statutes of (1846,) eighteen hundred and forty-six, also act (68) eighty-eight, entitled an act to amend chapter (25) twenty-five of the revised statutes of (1846,) eighteen hundred and forty-six, relative to laying out, altering and discontinuing highways, approved March (18) eighteenth, (1848) eighteen hundred and forty-eight; also, act (72) seventy-two, entitled an act to repeal (amend) chapter (25) twenty-five of the revised statutes of (1846) eighteen hundred and forty-six, approved March (15) fifteenth, (1848) eighteen

Penalty for  
neglect to  
act as ju-  
rors.

expenses,  
etc., provi-  
ed for.

Acts repeal-  
ed.

## LAWS OF MICHIGAN.

hundred and forty-eight, be and the same are hereby repealed, and all acts and parts of acts inconsistent with the provisions of this act, except acts of incorporation of cities and villages, are hereby repealed.

This act is ordered to take immediate effect.

Approved February 3, 1858.

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[ No. 14. ]

**AN ACT** to authorize Directors of the Detroit and Milwaukee Railway Company to be represented at Board of Directors by proxy.

*Directors allowed to vote by proxy.* SECTION 1. *The People of the State of Michigan enact,* That it shall be lawful for the Board of Directors of the Detroit and Milwaukee railway company to provide by "by laws" for allowing any directors of said company, who may reside out of this State, to be represented and vote at all meetings of said board of directors by proxy; such proxy to be in writing and signed by such directors, and the same, or a true copy thereof, to be filed with the secretary of said company: *Provided*, That no proxy shall be valid unless held by a director of said company.  
*Proxy to be in writing & filed with the secretary.*

This act is ordered to take immediate effect.

Approved February 3, 1858.

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[ No. 15. ]

**AN ACT** to amend an act entitled "an act to provide for the construction of a State road from Saginaw City, by way of St. Louis and Ithaca in Gratiot county, (to St. Johns in Clinton county.)"

*Section amended.* SECTION 1. *The People of the State of Michigan enact,* That section two of an act entitled "an act to provide for the construction of a State road from Saginaw City, by way of St Louis and Ithaca in Gratiot county, to St. Johns in Clinton county," shall be amended to stand as follows:

Sec. 2. That the non-resident highway tax for three miles on each side of the established line of said road, that shall be assessed upon the same, be and the same is hereby appropriated for the establishment and improvement of such road for the period of three years from the first of January, eighteen hundred and fifty-seven, to be expended as hereinafter provided. Said act otherwise to be and remain in all respects as when first enacted.

Non-resident  
taxes appl'd  
to improve-  
ment of  
road.

Sec. 2. This act shall take immediate effect.

Approved February 3, 1858.

[ No. 16. ]

AN ACT granting to the River Raisin and Grand River Railroad Company the right of way over certain lands of this State.

SECTION 1. *The People of the State of Michigan enact,* Right of way over State lands grant-ed.  
The right of way over any of the unimproved lands belonging to this State is hereby granted to the River Raisin and Grand River railroad company one hundred feet in width along the line of said road, on the line which has been heretofore surveyed, or as the same may be hereafter changed so as not materially to alter said route from the city of Jackson, Jackson county, to the township of Lansing.

Sec. 2. This act shall take immediate effect.

Approved February 3, 1858.

[ No. 17. ]

AN ACT to amend an act entitled "an act disposing of certain grants of land made to the State of Michigan for railroad purposes by act of Congress, approved June third, eighteen hundred and fifty-six," approved February 14, A. D. 1857.

SECTION 1. *The People of the State of Michigan enact,* Section amended.  
That section nineteen of an act entitled "an act disposing

of certain grants of land made to the State of Michigan for railroad purposes by act of Congress, approved June third, one thousand eight hundred and fifty-six," approved February 14, A. D. 1857, be amended by striking out the word "next" where it first occurs in said section, and inserting in place thereof the words "one thousand eight hundred and fifty-eight;" also, by striking out the words "fifty-nine" in the fifteenth line of said section and insert in the place thereof the word "sixty," so that said section as amended shall read as follows:

*Time extended.* Sec. 19. Each and every one of the aforesaid railroad companies shall complete and put in good running order at least twenty continuous miles of its road during each year from and after the first day December, one thousand eight hundred and fifty-eight, and shall complete the entire length of its road within seven years from the fifteenth day of November next, except the railroads in the Upper Peninsula herein named; and as to these, each and every one of them shall complete the first twenty miles of their several roads within three years from the first day of December next, and the entire lines of their several roads within the time above limited; so much of the Amboy, Lansing and Traverse Bay Railroad as shall lie between Hillsdale and Lansing, and between Lansing and the point of intersection of said road with the Detroit and Milwaukee railroad, shall be completed, fully and entirely, and put in readiness for a train of cars, on or before the first day of November, eighteen hundred and sixty, and said Amboy, Lansing and Traverse Bay railroad company shall build and finish at least twenty continuous miles of its road each year thereafter, until the whole of its line is completed; *Provided always*, That the entire length of its road from Amboy to some point on or near Traverse Bay shall be finished by the first day of November, eighteen hundred and sixty-five; *Provided, also*, That said Amboy,

Lansing and Traverse Bay railroad company shall locate their depot buildings at Lansing, within twenty rods of a line drawn east or west of the capitol square, situated on section sixteen in the township of Lansing.

Sec. 2. This act shall take immediate effect.

Approved February 3, 1858.

[ No. 18. ]

AN ACT to provide for the payment of the Members and Officers of the Extra Session of the Legislature, for the year eighteen hundred and fifty-eight.

SECTION 1. *The People of the State of Michigan enact,* <sup>Amount appropriated</sup> That there be appropriated out of any money in the treasury, to the credit of the general fund, a sum not exceeding twelve thousand dollars, for the payment of the members and officers of the Legislature.

Sec. 2. The compensation of the President and members <sup>Compensation of members.</sup> of the Senate, and the Speaker and members of the House of Representatives, shall be three dollars per day for actual attendance, and when absent on account of sickness, for the first twenty days of the session, and ten cents for every mile actually traveled in going to and returning from the place of meeting of the Legislature, on the usually traveled route, and to the members of the Senate and House of Representatives from the Upper Peninsula, two dollars per day additional, for the first twenty days of the session. Each member of the Senate and House of Representatives shall also be entitled to receive five dollars <sup>Stationery.</sup> for stationery and newspapers. The compensation of the Secretary, Engrossing and Enrolling Clerk, and Sergeant-at-Arms of the Senate, and their assistants, and of the Clerk, and Engrossing and Enrolling Clerk and Sergeant-at-Arms of the House of Representatives, and their assistants, and of the Reporters of either House, shall be three <sup>Officers of the legislature.</sup>

~~Message.~~

dollars per day for actual attendance during the session, and ten cents for every mile actually traveled in going to and returning from the place of meeting of the Legislature, on the usually traveled route. The compensation of the clerks employed, with the consent of either the Senate or the House of Representatives, by any of the standing or the special committees of either of said Houses, shall be three dollars per day for actual service during the session. The compensation to the Senate to pay their firemen, shall be three dollars per day during the session, and the compensation to the House of Representatives to pay their firemen, shall be four dollars per day during the session. The compensation of the Messengers of the Senate and of the House of Representatives shall be two dollars per day for actual attendance during the session.

~~Accounts,  
how certi-  
fied.~~

Sec. 3. Such sums as may be due under the provisions of this act, to the Secretary of the Senate and the Clerk of the House of Representatives, shall be certified by the presiding officer of the respective Houses, and countersigned by the Auditor General; such sums as may be due to the President of the Senate, and the Speaker of the House of Representatives, shall be certified by the Secretary and Clerk of the respective Houses, and countersigned by the Auditor General; and such sums as may be due the members and officers of either House, shall be certified by the Secretary or Clerk, and countersigned by the presiding officers of the respective Houses; and the State Treasurer, upon the presentation of any such certificates, countersigned as aforesaid, shall pay the same.

This act is ordered to take immediate effect.

Approved February 3, 1858.

## LAWS OF MICHIGAN.

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[ No. 19. ]

**AN ACT** to repeal act number one hundred and forty-five of the session laws of eighteen hundred and fifty-seven, being an act to provide for laying out and establishing a State road in the counties of St. Clair, Sanilac and Tuscola.

**SECTION 1.** *The People of the State of Michigan enact,* <sup>Act repealed.  
ed.</sup> That act number one hundred and forty-five of the session laws of eighteen hundred and fifty-seven, approved February sixteenth, eighteen hundred and fifty-seven, being an act to provide for laying out and establishing a State road in the counties of St. Clair, Sanilac and Tuscola, be and the same is hereby repealed.

Sec. 2. This act is ordered to take immediate effect.

Approved February 4, 1858.

[ No. 20. ]

**AN ACT** to provide for the laying out and establishing a certain State Road in the counties of Midland, Isabella and Gratiot.

**SECTION 1.** *The People of the State of Michigan enact,* <sup>Section  
amended.</sup> That section six of the act to provide for the laying out and establishing of a certain State road in the counties of Midland, Isabella and Gratiot, be amended so that said section shall read as follows:

Sec. 6. For the purpose of improving said road, there shall be appropriated all such of the non-resident highway taxes of the year eighteen hundred and fifty-seven, <sup>Appropriation of non-  
resident  
highway  
taxes.</sup> and for three years thereafter, as may be collected for the several organized townships through which said road may pass, except the non-resident highway tax of the east half of the townships of Arcada, Newark and Fulton, in the county of Gratiot; and the highway commissioners of the several organized townships through which said road may pass, are required to expend said

Exceptions. appropriation on said road—and also one-half of the non-resident highway tax of the township of Midland, in Midland county be, and the same shall be expended by the proper authorities on that part of the said road to be established within said township.

Sec. 2. This act is ordered to take immediate effect.

Approved February 4, 1858.

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[ No. 21. ]

**AN ACT** to amend act number sixty-three of the session laws of one thousand eight hundred and fifty-seven, being an act entitled "an act to lay out and establish a State road in the counties of Sanilac and Tuscola."

**SECTION 1.** *The People of the State of Michigan enact,*  
That section two of said act shall be amended so as to read as follows:

Appropriation  
of non-  
resident  
highway  
taxes.

Sec. 2. For the purpose of improving said road there shall be appropriated all such of the non-resident highway taxes for the year eighteen hundred and fifty-seven, and for three years thereafter as may be collected upon any legal subdivision of land, an equal or a greater part of which shall be within two lines running parallel with said road, one mile each way from the centre of said road; and where said road passes through the unsettled ranges of townships, to wit: ranges fourteen, thirteen and twelve, there shall be applied, on said road, all such of the non-resident highway taxes as may be collected on any of the non-resident lands in said townships.

Sec. 3. This act is ordered to take immediate effect.

Approved February 4, 1858.

LAWS OF MICHIGAN.

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[ No. 22. ]

**AN ACT** to incorporate the City of St. Clair.

**SECTION 1.** *The People of the State of Michigan enact,*  
That so much of the townships of St. Clair and China, in  
the county of St. Clair, as is embraced within the follow-  
ing boundaries, to-wit:

Commencing at the north-east corner of the south part ~~boundaries~~  
of fractional section number twenty-nine, (29,) in township  
number five, (5,) north of range seventeen (17) east; thence  
west on the quarter line, across sections twenty-nine (29)  
and thirty, (30,) to the north-west corner of the south part  
of fractional section thirty, (30,) in said township and range;  
thence south, on the west line of said section thirty, (30,)  
to the north line of private claim three hundred and five,  
(305;) thence along the north line of said private claim,  
westerly, to the north-west corner thereof; thence along the  
west line of said private claim, southerly, to the south-west  
corner thereof; thence along the south line of said private  
claim, easterly, to the north-west corner of private claim  
three hundred and four, (304;) thence southerly along the  
west line of private claim three hundred and four, (304,)  
to the north-west corner of out lot number fourteen, (14;)  
thence east, along the north line of said out lot, to Pine  
River; thence southerly, along said river, up stream, to  
the north-west corner of out lot number seventeen, (17;)  
thence easterly, along the north line of out lots seventeen  
(17) and nineteen, (19,) to the River St. Clair; thence along  
said river, northerly, to the place of beginning.

Also, all that part of private claim number three hun-  
dred and six, (306,) which lies north and east of Pine  
River, and also the waters of Pine and St. Clair rivers,  
within and in front of the above limits, is hereby set off  
from the townships of St. Clair and China, and constituted  
the city of St. Clair, by which name it shall be hereafter  
known.

- Body corporate. Sec. 2. The freemen of said city, from time to time, being inhabitants thereof, shall be and continue a body coporate and politic, to be known and distinguished by the name and title of the mayor, recorder and aldermen of the city of St. Clair, and shall be and fare hereby made capable of suing and being sued, pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law and equity, and in all places whatever, and may have a common seal which they may alter and change at pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, conveying and disposing of any real and personal estate for said city.
- Title.
- Powers.
- Seal.
- Real and personal estate.
- Wards. Sec. 3. The said city shall be divided into two wards, as follows, to wit: All that part of the city lying north of a line commencing on the border of the river St. Clair, in the centre of Jay street, thence west along said street to the east line of five acre lot number seventy-nine (79,) thence north to the north-east corner of said five acre lot number seventy-nine (79,) thence west along the north line of said five acre lot numbers seventy-nine (79,) and eighty (80,) and fifty acre lot number four (4,) to the west line of private claim three hundred and five (305,) shall be the first ward, and all that part of the city lying south of said line shall be the second ward.
- Government. Sec. 4. The municipal government of the city shall consist of a common council, composed of a mayor, recorder and four aldermen, of whom the mayor or recorder, and three aldermen, or any four of them, shall constitute a quorum.
- Officers. Sec. 5. The following officers shall be elected from among the electors of said city, to-wit: one mayor, one recorder, who shall be ex-officio school inspector and city clerk, one treasurer, one marshal, who shall be ex-officio collector of taxes, one street commissioner, two school in-

spectors, two directors of the poor, and two justices of the peace, who shall be elected in the following manner, to-wit: the mayor, recorder, treasurer, marshal and street commissioner, shall be elected annually, and shall hold their offices for one year, and until their successors shall have been elected and qualified. There shall also be elected annually, one school inspector and one director of the poor, for the term of two years: *Provided*, That at the <sup>Proviso.</sup> first election there shall be elected two school inspectors and two directors of the poor: *And provided also*, That immediately after said first election, the common council shall meet and determine by lot which of the school inspectors and which of the directors of the poor so elected shall serve for one year, and which for two years. There shall also be elected once in two years, one justice of the <sup>Justices of the peace.</sup> peace for the term of four years: *Provided* That at the <sup>Proviso.</sup> first election there shall be elected two justices of the peace: *And provided also*, That immediately after the first <sup>Proviso.</sup> election the common council shall meet and determine by lot which of the justices of the peace so elected shall serve for two years, and which for four years: *Provided*, <sup>Proviso.</sup> That no justice of the peace shall be elected unless there be a deficiency in the number of two, occasioned by the expiration of the term of office, or otherwise, of one or more of the justices of the peace heretofore elected in the township of St. Clair, and who shall reside within the limits of said city at the time this act shall take effect; such justices shall be justices of the peace of said city, and shall hold their offices during the term for which they were elected, unless a vacancy shall occur from some other cause.

Sec. 6. There shall be elected at the same time, one supervisor, one treasurer, one constable and one alderman in <sup>Ward off-  
cers elect'd.</sup> and for each of said wards, the said supervisor, treasurer and constable shall hold their offices respectively for the

term of one year and until their successors are elected and qualified, the said aldermen shall hold their offices for the term of two years, and until their successors are elected and qualified: *Provided*, That at the first election there shall be elected in each ward two aldermen, one for the term of one year and one for the term of two years. The <sup>Proviso.</sup> supervisors in and for the several wards shall represent the said wards in the board of supervisors of the county and shall be entitled to all the rights, privileges and powers, and shall be subject to all the obligations of supervisors of townships. The said treasurers in their respective wards, for the purpose of the collection and return of State, county, school library and school house taxes, shall be deemed township treasurers, and shall for those purposes have all the powers, and perform all the duties, and be subject to all the liabilities of township treasurers. <sup>Treasurers of wards.</sup> The treasurer of each ward shall, on or before the fifth day of November in each year, give to the county treasurer a bond in double the amount of the State and county taxes apportioned to his ward, with good and sufficient sureties, to be approved by the supervisor of his ward or the county treasurer, with like conditions as that required of township treasurers, and shall also, within the same time, give to the city treasurer and his successors in office a bond in such sum, with such sureties as the supervisor of his ward or the city treasurer shall direct and approve, conditioned to the faithful discharge of the duties of his office, and that he will faithfully and truly account for and pay over according to law all moneys which shall come to his hands as such treasurer, and the city treasurer shall file <sup>Treasurers' bond to the county.</sup> the same in his office. In case the treasurer of any ward shall refuse to serve or shall die, resign, or remove from the ward before he shall have entered upon or completed the duties of his office, or shall be disabled from completing the same from any cause, the common council shall forthwith <sup>Vacancies in treasurer's office, how filled.</sup>

appoint a treasurer for the remainder of the year who shall give like security and be subject to like penalties and duties, and shall have the same powers and compensation as the treasurer in whose place he was appointed, and the recorder shall immediately give notice of such appointment to the county treasurer, but such appointment shall not exonerate the former treasurer or his sureties from any liabilities incurred by him.

Sec. 7. The annual elections under this act, shall be held <sup>Annual election.</sup> on the first Monday in March in each year, at such places in each ward as the common council shall designate, notice of <sup>Notice.</sup> which shall be given by the recorder, at least ten days before the election, by posting the same in three public places in each ward. The supervisor and alderman of each ward shall be inspectors of such election, and they shall also be the inspectors of the State, district and county elections. The supervisor, if present, shall act as chairman of said inspectors, and the alderman shall act as clerk of said elections, and in case of the absence of one or more of such inspectors, the electors present may choose *viva voce* from their number, one or more to fill such vacancy or vacancies in said board of inspectors, and cause a return of the result of said election to be delivered to the county clerk in the same manner as is required of township clerks, and in case two or more shall receive for the same office an equal number and plurality of votes given at such election, the common council shall immediately proceed to determine by lot, between the persons so receiving the highest number of votes, which shall be elected to such office. The treasurer and marshal shall, respectively, before entering upon the discharge of their duties, give such security to the common council as said council shall direct and approve, and in case any of the officers so elected, shall neglect, for the term of ten days,

<sup>Treasurer  
and marshal  
to give secu-  
rity.</sup>

to qualify as aforesaid, or to give such security, the office shall become vacant.

**Vacancies in city offices, how filled.** Sec. 8. In case of a vacancy in either of the city offices, the common council may order a special election in and for the whole city, at some proper place, for the purpose of electing some person to fill such vacancy, and such election shall be conducted, and the votes canvassed by the common council of said city, or any three (3) of them. In case of a vacancy in any of the offices of the wards, the common council may order a special election in such ward

**Vacancies in ward offices, how filled.** to fill such vacancy, which election shall be conducted in all respects in the same manner as annual elections for ward officers. The common council shall designate the time and place for holding such special elections, notices of which shall be posted up in three or more public places in the city or ward, as the case may be, or published in at least one newspaper published in said city, at least ten days prior to such election, which notice shall state what office or offices are to be filled, and any person so elected shall serve for the remainder of the term of such office.

**Powers and duties of officers in relation to elections.** Sec. 9. The president, recorder, and trustees of the village of St. Clair, shall have all the powers and are hereby required to discharge all the duties in relation to the first election to be held under this act, that are conferred on the mayor, recorder and alderman of the city of St. Clair, any two of whom may act as inspectors of election in either of the wards at such election, and in case no two of them shall appear at the time and place appointed for such election, two of the electors present shall be chosen by the voters present to act as such inspectors.

**Duties of mayor.** Sec. 10. It shall be the duty of the mayor to preside at all meetings of the common council, and in his absence the common council may appoint any one of their number to preside at such meeting. And it shall be the duty of the

recorder to attend all meetings of the common council, and <sup>Duty of recorder.</sup> keep a fair and accurate record of their proceedings.

Sec. 11. The common council shall meet regularly, on <sup>Meetings of common council.</sup> the first Monday in every month, for the purpose of attending to any business that may be properly brought before them, at such places as the mayor, or in his absence, the recorder shall appoint; and the common council shall have power to impose, lay and collect such fines as they <sup>Fines for non-attendance.</sup> may deem proper, for the non-attendance of the officers and members thereof, at any such meeting, and also to require the attendance of any of the other officers of the city, and to impose fines for non-attendance: *Provided,* <sup>Provide.</sup> No such fine shall exceed five dollars for each offence.

Sec. 12. The common council shall have power to organize, regulate and maintain a police of the city, and to make all such by-laws and ordinances as they may deem necessary for the promotion of the public peace, and shall <sup>Powers and duties of common council.</sup> have full power and authority to make all such by-laws and ordinances relative to all nuisances within the limits <sup>Nuisance.</sup> of said city and for the abatement of the same, and for the punishment by fine of all persons occasioning or permitting the same on his or her premises, to suppress all <sup>Games and gambling.</sup> games of chance or hazard, and for the suppression of every species of gambling in said city, and for the suppression of disorderly and low houses, to prevent the vending, sale, or giving away of any spirituous liquors by <sup>Disorderly houses.</sup> any person or in any place within said city, to prohibit and prevent the running at large of dogs, to require them <sup>Spirituously liquors.</sup> to be muzzled, and to authorize their destruction when running at large in violation of any ordinance of the common council. The common council shall have full power and authority to make all by-laws and ordinances <sup>Riot.</sup> for the suppression of riots and riotous conduct and for the dispersion of crowds in the streets, the discharge of fire-<sup>fire-arms.</sup> arms, fire-crackers, or making any improper noises that

*Vagrants, drunkards and idle persons.* may tend to disturb the peace and good order of the city, for the apprehension and punishment of vagrants and drunkards and idle persons, and to make all other by-laws and ordinances as they shall deem just and proper for the safety, good order and government of said city not inconsistent with the laws and constitution of this State or of the United States.

*Hay, wood,* Sec. 13. The common council shall also have power to make by-laws and ordinances relative to the weighing of hay, measuring of fire wood, and sale of the same, and for that purpose may appoint proper persons to measure all fire wood brought into the city for the purpose of sale in

*Drays, carts and other vehicles.* the streets, or public grounds, and also relative to drays, carts and other vehicles, kept and used for the transportation of persons or property in said city, prescribe the amount of charges for services, and designate the stands for drays, carts and other vehicles, and also the stands for the sale of hay, fire wood, produce, and all other things exposed for sale in the streets, or within the limits of the

*City market.* city; and also for the regulation of a city market, to prevent and punish all immoderate driving in any of the

*Immoderate driving.* streets of said city, to prohibit any public bathing within the limits of said city, to prevent the improper driving

*Bathing.* over or upon the sidewalks, or incumbering the said sidewalks; to compel the occupants of lots to clear the sidewalks in front of and adjacent thereto, of snow, ice, dirt, mud, boxes, and every incumbrance and obstruction

*Grave yards and burial of the dead.* thereon, and to regulate all grave yards and burial of the dead within or for said city; also, relative to common showmen,

*Common Showmen.* the restraining of swine, horses and all other animals from running at large in the streets or other public places in said city, and to regulate and establish one or

*Swine, &c., prohibited from running at large.* more pounds in said city.

*Pounds.* Sec. 14. The common council shall have power and it shall be their duty to adopt measures for the preservation

*Public health.*

of the public health of said city, to restrain or prohibit the exercise of any unwholesome or dangerous avocation within the limits of the said city, and shall be a board of health and invested with such powers and subject to such duties as shall be necessary to secure the inhabitants of said city from contagious, malignant and infectious diseases, to provide for its proper organization and for the appointment of the proper officers, and they shall have authority to make all such by-laws and for the government of such board of health, and for the preservation of the health of the inhabitants of said city, as shall secure a prompt and efficient discharge of the duties imposed upon the common council by this act; they shall also have full power and authority to make all such by-laws and ordinances as may be deemed by the common council expedient or necessary for the preservation of the salubrity of the waters of Pine River and St. Clair River or other <sup>Pine River  
and St.  
Clair River</sup> streams within the limits of said city, relative to the opening of sluices and building of wharves, relative to the filling up all low grounds or lots covered or partially covered with water, relative to the embankment of the margin of said rivers, within said limits, and shall also have full power and authority to prevent and remove all <sup>Obstruction's  
to navigation.</sup> obstructions to the navigation of said rivers within the limits of said city and to regulate or prevent the erection of booms, stopping of tugs, rafts of lumber or timber or any other obstruction, and to cause said rafts of logs, timber, lumber, booms, or other obstructions in any manner affecting the free navigation, or affecting the salubrity of said waters, to be removed and prevented, and may cause such rafts of logs, lumber, timber, booms, &c., to be seized and held, to be sold or to make the owner or owners thereof, or any person having the same in charge, personally liable for any fine or penalty imposed by the ordinances or by-laws for any such obstructions or delay in

removing the same as shall be provided in such ordinances or by-laws.

*Abatement of nuisances.* Sec. 15. The common council shall have power and authority, and it is hereby made their duty to require and compel the abatement and removal of all nuisances within the limits of said city, and such regulations as shall be prescribed by ordinances, to cause all grounds therein where water shall become stagnant, to be raised, filled up or drained, and to cause all putrid substances, whether animal or vegetable, to be removed to a distance beyond the limits of said city, and when it may become necessary for the abatement of such nuisances to pull down any building or to fill up or level any ground, it shall be lawful for the common council to assess the costs or expenses of such pulling down, filling up, or leveling or removing buildings, upon the property improved, and should the owner or occupant, on reasonable notice being had, neglect or refuse to pay the full amount of said assessment, the said common council shall have full authority to sell or lease such property or premises at public auction, for the least number of years that will defray such expenses or charges, giving thirty days previous notice of the time and place of such sale or leasing, in some newspaper published in said city; and such sale shall vest a full and legal title to the purchasers for such term as the same may be sold. *Provided,* That the said costs and expenses, or any part thereof, may be, at the discretion of the common council, and with the consent of the freeholders, by a two-thirds vote, in legal meeting assembled, paid or provided for by a general assessment upon the property of the whole city.

*Streets.* Sec. 16. The common council shall have full power and authority to levy and collect highway taxes, and to make by-laws and ordinances relative to the time and manner of working upon the streets, lanes and alleys of said city, and

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also relative to the time and manner of assessing, levying and collecting all highway and sidewalk taxes.

Sec. 17. The common council shall have power and authority to construct sewers and reservoirs, and to provide for supplying such reservoirs with water, to cause bridges to be built or repaired, streets to be graded, paved or planked, within the bounds of the city, whenever they shall deem the same necessary or proper; they shall also have power to cause sidewalks to be constructed or repaired, when and where they shall deem necessary and proper, and cause the expense thereof, and of such grading, paving and planking of streets, to be assessed on lots or premises adjoining or in front of such streets or sidewalks, or by general assessment, as they may direct; to fix and establish the grades of all such streets and sidewalks, and also to establish lines upon which buildings may be erected, and beyond which such buildings shall not extend.

Sec. 18. The common council shall have authority to lay out and establish, open, make and alter such streets, lanes, and alleys, sidewalks, highways and water courses, market places, public parks and bridges within the limits of said city as they may deem necessary for the public convenience, and if in doing so they shall require for such purpose the grounds of any person, they shall give notice thereof to the owners or parties interested, or his or their agent or representative, by personal service, or by a notice published in some newspaper published in said city, at least three weeks previous to the meeting of the common council for the purpose aforesaid, and the said common council are hereby authorized to treat with such persons for such grounds or premises, and if for any cause a stipulation between such parties shall not be perfected, it shall be lawful for the said council to direct the recorder of said city to issue a venire facias, directed to the marshal of said city, or to any constable of said county, command-

Sewers and  
reservoirs,  
etc.

Bridges and  
paving etc.

Side walks.

Proceedings  
when pri-  
vate prop-  
erty is to be  
taken.

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ing him to summon a jury of twelve disinterested free-holders, to be taken from within the limits of said city, to appear before any justice of the peace of said city, and at any time therein to be stated, to enquire into and assess the damages in the case, which jury being duly sworn by said justice faithfully and impartially to inquire into and assess the damages in the case in question, and having viewed the premises, if necessary, shall inquire of and assess such damages as they shall judge fit to be awarded to the owner or owners, or parties interested in such grounds or premises, for their respective interests and estates therein, and the said justice shall, upon the return of such assessment or verdict, enter judgment thereon confirming the same, and such sum or sums so assessed, together with his or their costs, shall be paid or legally tendered to the claimant thereof before such street, lane, alley, sidewalk, highway, market place, public park, or bridge, shall be made, opened, established or extended; but if such jury shall find that the claimant is not entitled to any damages, then it shall be competent for such justice to render judgment against such claimant for costs, and issue execution therefor, and in either case it shall thereupon be lawful for the common council to cause the same grounds or premises to be converted to and for the purposes aforesaid: *Provided*, That any party claiming damages may have the right to remove such proceedings, by appeal to the circuit court, for the county of St. Clair, upon giving notice of his or their intention so to do to such justice in writing within ten days after the verdict of such jury and the judgment of such justice thereon aforesaid, and upon filing of a transcript of the proceedings aforesaid in the said circuit court, the same proceedings shall be had as prescribed by law in cases of appeals: *Provided*, That if the final judgment for damages of said circuit court shall not exceed the damages assessed before

*Proviso app.  
genl.*

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said justice, the party appealing shall pay all costs occasioned by such appeal. The said common council shall have full control of all streets, lanes, alleys, bridges, sidewalks and other public grounds within the said city and the property belonging to said city, and it shall be their duty, and they are hereby empowered, to make all such by-laws and ordinances, not inconsistent with the constitution and laws of this State or the United States, as shall by them be deemed necessary and proper for the best interest of said city.

Sec. 19. The assessment in the several wards of said city shall be made at the same time, and the assessment rolls completed, and all other proceedings had thereon, in the same time and the manner as is required by law of township assessors; *Provided*, That for the purpose of assessing all property equally in the whole city, the assessors shall act jointly in assessing each ward, and shall meet at the time required by the statute, at the office of the recorder of said city, for the purpose of reviewing and completing their assessments and assessment rolls for each of their several wards, and two of said assessors shall be authorized to perform all the duties required by the whole number.

Sec. 20. When such assessment rolls shall be completed ~~copy of roll~~ they shall be delivered to the recorder, who shall immediately proceed to make therefrom a full and complete condensed copy from such assessment rolls, for the use of the common council, which shall be deemed the city assessment roll for that year. When such copy shall be completed, and within fifteen days after receiving the same, the said recorder shall deliver said rolls to the respective supervisors of each ward, to be used for State and county purposes.

Sec. 21. The common council shall have power and authority to levy and collect a capitation or poll tax upon all

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male inhabitants between the ages of twenty-one and fifty years, of said city, and also taxes on all real estate and personal property within the limits of said city, by them deemed necessary to defray the expenses, and for the public improvement of said city, not to exceed one-half of one per cent. on the valuation thereof, exclusive of the expenses for the fire department, which shall not exceed one-fourth of one per cent. in addition thereto, and shall have power and authority to make and establish all necessary by-laws and ordinances for the collection of the same.

*Real estate tax.*

Liens.

*Title of property for taxes.*

And every assessment of tax lawfully imposed or laid by the said common council on any lands, tenements and hereditaments or premises whatsoever in said city, shall be and remain a lien on said lands, tenements and hereditaments, from the time of imposing such tax until paid, and the owner or occupants, or parties interested respectively in said real estate, shall be liable on demand to pay all and every such tax to be made as aforesaid. And in default of such payment, or any part thereof, or in default of the payment of the assessment upon any lot, for grading, paving or planking the streets, or the construction or repair of sidewalks adjoining such street, lot or premises, it shall be lawful for the marshal of said city to sell personal property, and for want thereof to sell real estate, rendering the overplus, if any, after deducting the charges of such sale, to such owner, occupant or lessee. *Provided,* That whenever any real estate shall be sold by said marshal, notice thereof shall be published in a newspaper published in said city, once a week for at least one month next preceding such sale, and the said marshal, or his successor in office, shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the time when the purchaser will be entitled to a deed for said land. And if the person claiming title to said land described in the said certificate, shall

not, within two years thereafter, pay to the treasurer of said city, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with the interest thereon at the rate of twenty-five per cent. per annum from the date of such certificate, the said marshal, or his successor in office, shall, at the expiration of the said two years, execute to the purchaser, his heirs or assigns, a conveyance of the land so sold, which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple, subject to the claims the estate shall have thereon. And the said conveyance shall be *prima facie* evidence that such tax was lawfully enforced and imposed, and that all the proceedings thereon, including such sale, were regular, according to the provisions of this act. And every such conveyance executed by the marshal, under his hand and seal, and witnessed and acknowledged and recorded in the usual form, may be given in evidence in the same manner and with the like effect as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence. And all personal estate so sold, shall be sold according and in such manner as the common council may direct.

Sec. 22. If the said common council shall deem it expedient for the purposes of said city to levy a larger tax than is allowed by section twenty-one of this act, they may, by giving ten days notice, either by publishing the same in a newspaper published in said city or posting a written notice thereof in three public places in said city, call a meeting of the inhabitants of said city, at some place therein, who may then and there vote to levy, assess and collect a further money tax upon all the real and personal property in said city, in such sum as the said meeting shall direct, and such tax shall be levied, assessed and collected in the same manner as is provided for the levying

er collection of the other taxes mentioned in this act: *Provided*, That no person shall vote at such meeting who is not a freeholder in said city. The mayor of said city, and in his absence the recorder, shall preside at such meeting.

Taxes, how paid over.

Sec. 23. All moneys raised to defray expenses of said city within the limits thereof shall be collected and paid over by the marshal to the treasurer of said city at such time and under such regulations as shall be provided for by the ordinances of the common council.

Tax roll.

Sec. 24. It shall be the duty of the common council whenever they shall have completed their tax roll for one year, to make out a duplicate, charging each individual or premises therein an amount of tax in proportion to the amount of personal and real estate in said city, to which they shall attach a warrant, signed by the mayor or recorder, directed to the marshal of said city, commanding said marshal to collect from the several persons named in said roll the several sums mentioned in the last column of such roll opposite their respective names and to pay over the same as they shall direct in such warrant, and the said warrant shall authorize the said marshal, in case any person named in the assessment or tax roll shall neglect to pay over his tax, to levy the same by distress and sale of the goods and chattels of such person.

Powers and duties of certain officers to be prescribed by the common council

Sec. 25. The common council shall have power and authority to make all by-laws and ordinances relative to the powers, duties and liabilities of the recorder, treasurer, marshal and street commissioner, and allow them respectively such compensation for their respective services as they shall deem just and reasonable; they shall also credit and allow to each assessor one dollar and fifty cents a day for the time actually spent in taking the assessment and copying rolls, and also one dollar and fifty cents per day for each inspector of elections, and no compensa-

tion shall be allowed to the mayor or aldermen for their services.

Sec. 26. The common council shall, on or before the first Monday in each year, settle and audit the accounts of the treasurer, and the accounts of all the officers and persons having claims against the city, or accounts with it, and cause all balances due to any person to be paid out of any money in the treasury not otherwise appropriated, and shall make out in detail, a statement of all receipts and expenditures, which statement shall fully specify all appropriations made by the common council, and the objects and purposes for which the same were made, and the money expended [on] such appropriation, the amount of taxes raised and the amount of contingent expenses, the amount expended on highways, streets and bridges, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the city, and shall cause the same to be published in one or more newspapers published in the city, before the next ensuing election.

Sec. 27. The common council shall have power and authority to make all by-laws and ordinances that may be necessary to secure the said city and all the inhabitants thereof, against injuries by fire; to establish and organize all such fire companies, and hose and hook and ladder companies, as shall be necessary to extinguish fires and preserve the property of the inhabitants of said city from destruction, to appoint from among the inhabitants of said city, such number of men, willing to accept, as may be deemed proper and necessary to be employed as firemen; and such fire, hose and hook and ladder company, shall have power to appoint their own officers, pass their own by-laws for their organization and government of said companies, subject to the approval of the common council, and may enforce and collect such fines for the non-attendance. <sup>Injuries by fire.</sup> <sup>Fire companies.</sup> <sup>Fires.</sup>

*Exemptions  
of firemen.* ance or neglect of duty of any of its members, as may be established by such by-laws and regulations of every such company; and every person belonging to such company, shall obtain from the recorder of said city a certificate to that effect, which shall be evidence thereof; and the members of such company, during their continuance as such, shall be exempt from serving on juries or paying a poll tax in said city; and it shall be the duty of every such company to keep in good and perfect repair the fire engine in their charge, hose, ladders, and other instruments of such company; and it shall be the duty of each fire company to assemble at least once in each month, and as often as may be directed by the chief engineer, for the purpose of working and examining the fire engine and other implements, with a view to their perfect repair; and the said firemen, so appointed, shall annually elect one of their number chief engineer, who shall have command of the whole fire department of said city; and also to elect from their number, assistant engineers, at the same time. The *fire warden* common council shall appoint a fire warden in each ward of the city, whose powers, duties and compensation, shall be prescribed by the common council; and also to appoint *city watch*. a city watch of one or more persons, not exceeding five, if the common council shall deem it necessary for the safety of the persons and property of the said city, and to prescribe their duties and compensation when in actual service, and to remove them at pleasure.

*Fire.* Sec. 28. Upon the breaking out of any fire in said city, the marshal shall repair immediately to the place of such fire and aid and assist as well in extinguishing the fire as in preventing any goods or property from being stolen or injured, and in protecting, removing and securing the same, for which purpose, and as chief of police, he may require the assistance of all bystanders, and in performance of his said duties the marshal shall in all respects

be subject to the orders of the mayor or such of the aldermen as may be present.

Sec. 29. The common council shall have power to appoint an attorney for the city and one or more commissioners, and such other officers whose election is not herein specially provided for as they may deem necessary to carry into effect the powers granted by this act, and to remove the same at pleasure; they shall also have power to remove the marshal, treasurer, or street commissioner, for any violation of the ordinances of the common council, and in case of death, resignation or removal from office, or neglect to qualify, or removal from the city or from the ward for which he has been elected, of any officer of the corporation, the common council shall, as soon as may be, appoint an officer to fill such vacancy for the unexpired term of the year, and all officers so appointed shall be notified and qualified as herein directed.

Sec. 30. The marshal of said city shall, before entering upon the discharge of the duties of his office, give such security for the faithful discharge of his duties, as the common council shall direct and require. He shall be chief of the police, and it shall be his duty to serve all processes that may be lawfully [given] to him for service, to see that all by-laws and ordinances of the common council are promptly and efficiently enforced, and especially those that may be passed to carry into effect the powers of sections twelve, thirteen, fourteen and fifteen, of this act. He shall obey all the lawful orders of the mayor, and may command the aid and assistance of all constables and all persons, in the discharge of the duties imposed upon him by law. He may appoint such number of deputies as the common council shall direct and approve, who shall have the same powers and perform the same duties as the marshal, and for whose official acts he shall be in all respects responsible; and the marshal and his deputies shall have

the same power to serve and execute all processes on behalf of the corporation of said city, or of the people of this State, as sheriffs or constables have by law to execute similar processes.

Duties of  
street com-  
missioners.

Sec. 31. The street commissioners, and such other officers as the common council shall direct and appoint, shall, under the direction of the common council, superintend the making, paving, planking, repairing and opening of all streets, lanes, alleys, bridges and sidewalks within the limits of their respective wards, in such manner as he or they may from time to time be directed.

Powers of  
common  
council rela-  
tive to pow-  
ers and du-  
ties & com-  
pensation of  
corporation  
officers.

Collection of  
fines.

Proviso.

Calling mee-  
tings.

How fines  
collected.

Sec. 32. The common council shall have authority to make all by-laws and ordinances relative to the powers and duties and compensation of the officers of said corporation, subject to the restriction as to the compensation of officers mentioned in this act, to direct the number of, and license inn-keepers and common victualers, to provide for the collection and disposition of all fines and penalties which may be incurred under the by-laws and ordinances of said city, and to make all such other by-laws, ordinances and regulations for the purpose of carrying into effect the powers conferred by this act which they may deem necessary, to provide for the safety and good government of the city, and to preserve the health and protect the property of the inhabitants thereof, and to this end the common council may impose fines and penalties for any violation of the by-laws and ordinances which may be made by them aforesaid: *Provided*, That no by-law or ordinance shall impose a fine exceeding one hundred dollars, nor subject the offender to imprisonment in the city or county jail exceeding thirty days; also relative to the calling of meetings of electors of the city.

Sec. 33. All fines imposed by any by-laws or ordinance of the common council may be sued for in the name of the city attorney or in the name of the corporation, before

any justice of the peace for a violation of any ordinance of the common council, it shall be the duty of the justice forthwith to issue execution to the marshal of the city, commanding him to collect of the goods and chattels of the person so offending, the amount of such fine, with interest and costs, and for the want of goods and chattels wherewith to satisfy the same, that he take the body of the defendant and commit him to the city or county jail, and the marshal or sheriff shall safely keep the body of the person so committed until discharged by due course of law, and the defendant shall remain imprisoned until the execution, with the fees of the sheriff or marshal, shall be paid: *Provided*, That the common council may <sup>Provide.</sup> remit such fine in whole or in part, if it shall be made to appear that the person so imprisoned is unable to pay the same.

Sec. 34. In all suits in which the corporation of the city <sup>Competency  
of witness.</sup> of St. Clair shall be a party or shall be interested, no inhabitant of said city shall be deemed incompetent as a witness or jurors, on account of his interest in the event of such suit or action: *Provided*, Such interest be such only as he has <sup>Provide.</sup> in common with the inhabitants of said city.

Sec. 35. In all trials before any justice of the peace of <sup>Jury.</sup> any person charged with a violation of any by-law or ordinance of the common council, either party shall be entitled to a jury of six persons, and all the proceedings for the <sup>Proceedings  
and trials.</sup> summoning of such jury and in the trial of the cause shall be in conformity, as near as may be, with the mode and proceedings in similar cases before justices of the peace; and in all civil cases and criminal, the right of appeal from <sup>Appeals.</sup> the justice's court to the circuit court for the county of St. Clair, shall be allowed, and the party appealing shall enter into a recognizance, conditioned to prosecute the appeal in the circuit court and abide the order of the court therein,

or such other recognizance as is or may be required by law in appeals from justice's court in similar cases.

Common  
council to  
perform  
same duties  
as township  
boards in  
certain ca-  
ses.

Sec. 36. The common council of said city is hereby authorized and required to perform the same duties in and for said city, as are by law imposed upon the township boards of the several townships of this State, in reference to schools, school taxes, county and State taxes, the support of the poor, and State, district and county elections; and the supervisors, assessors, justice of the peace, recorder, school inspectors, directors of the poor, and all other officers of said city, who are required to perform the duties of township officers of this State, shall take the oath, give the bond, perform like duties, and receive the same pay, and in the same manner, and be subject to the same liabilities as is provided for the corresponding township officers, except as is otherwise provided in this act, or as may be provided by the ordinances of the common council.

Who to con-  
stitute com-  
mon council

Sec. 37. The president, recorder and trustees of the village of St. Clair, shall be the common council, and shall respectively discharge all the duties of mayor, recorder and alderman, and the treasurer, marshal and other officers of said village, shall be such officers of the city of St. Clair, until others are elected and qualified in their stead; and all the by-laws, ordinances and other regulations now in force, not inconsistent with this act, or the provisions of the statutes of this [State,] shall be and remain in force until altered or repealed by the common council of the city or village; and no suit, or other proceedings in which the common council or any officer of said village shall be a party, or any duties to be performed by such officer, shall be affected in any manner whatever by this act, except as herein specified, and all property belonging and all demands due to the village of St. Clair, shall be the property

of the city of St. Clair, and the said city shall be liable for all legal demands against said village of St. Clair.

Sec. 38. All town officers of the township of St. Clair, Town officers residing in the city to continue to discharge duties. residing within said city, may continue to discharge all the duties of such offices for said town, until after the first day in April next. The next township meeting for the township of St. Clair, shall be held at the town hall in the village of St. Clair. It shall be the duty of the school When next town meeting shall be held. Duty of sch'l inspectors of township. inspectors of the township of St. Clair, to pay over the school moneys by them received for the present year, in the same manner as if this act had not passed.

Sec. 39. The treasurers of the several wards, shall, on or before the first day of February in each year, pay the amount of moneys raised for school and library taxes, to the city treasurer, to be by him paid on the order of the school inspectors or school district officers, as the case may be, and the warrant for the collection of taxes, given to the said ward treasurers, shall command them accordingly. Ward treasurers to pay over moneys to city treasurer.

Sec. 40. The city of St. Clair, for all purposes in regard to common schools, and school moneys, shall be deemed a township, and the recorder shall discharge all the duties City to be regarded a township for school purposes. and be subject to all the liabilities of a township clerk. The city treasurer and school inspectors shall discharge the duties of such corresponding township officers, except the collection of taxes.

Sec. 41. All acts incorporating the village of St. Clair, Acts repealed. and all acts amendatory thereto, are hereby repealed.

Sec. 42. This act is ordered to take effect on the twentieth of February next.

Approved February 4, 1858.

LAWS OF MICHIGAN.

[ No. 23.]

**AN ACT** to provide for the laying out and establishing a certain State Road in the counties of Newaygo, Lake, Wexford and Grand Traverse.

~~Commissioners  
are appointed  
to lay out  
the road.~~ SECTION 1. *The People of the State of Michigan enact,* That Williw T. Howell, Samuel Rose and Daniel Weaver be and they are hereby appointed commissioners to lay out and establish a State road, commencing at the south line of Newaygo county, at the north-west corner of Kent, and the north-east corner of Ottawa counties, running thence northerly to the village of Newaygo, and from thence through the townships of Fremont and Dayton, on the most practicable route to some point on Traverse Bay.

~~Duty of com-  
missioners.~~ Sec. 2. That the above named commissioners shall file so much of the survey of said record [road] in the office of the township clerk of each township through which said road shall pass, as shall be laid out in said township; and it shall be the duty of the several township clerks to record the same in their respective offices, and post such notice as shall be required by law.

~~Duty of com-  
missioners  
of highways.~~ Sec. 3. That it shall be the duty of the commissioners of highways in any organized township through which said road may pass, to open and work the same, in the same manner, and by virtue of the same law, as township roads are required to be opened and worked.

~~Damages~~ Sec. 4. That in all cases in which damages may be claimed, by reason of the laying out and establishing of said road, the same proceedings shall be had thereon as may be required by the laws in force at the time such claim is made, for the assessment of damages in case of roads laid out by township commissioners.

~~Newaygo-  
Lake, Wex-  
ford and  
Grand Traver-  
se.~~ Sec. 5. That all non-resident taxes on any lands which may be returned by the township treasurer, on each and every section, or parts of sections of land lying within two miles of said road, shall be laid out and expended in open-

ing, bridging and repairing said road, by and under the control of commissioners of highways, in the same manner that non-resident highway moneys are appropriated by law.

Sec. 6. That the State shall not be liable for any expenses incurred or damages sustained by reason of this act, and if said road is not laid out and established within two years from the passage of this act, the provisions herein shall be void.

Sec. 7. This act is ordered to take immediate effect.

Approved February 4, 1858.

State not  
liable for  
expense or  
damage.

[ No. 24. ]

**AN ACT** to amend an act entitled "an act to provide for laying out, establishing, and improving a State Road in Clinton, Gratiot, Shiawassee, Saginaw and Genesee counties," approved February seventeenth, eighteen hundred and fifty-seven.

**SECTION 1.** *The People of the State of Michigan enact,* Section  
amended. That section two of said act be amended by striking out the word "seven," where it occurs in the third line of said section, so that the same shall read as follows, to-wit:

Sec. 2. It shall be the duty of said commissioners, or a Duty of com-  
missioners. majority of them, on or before the first day of June, eighteen hundred and fifty-eight, to assemble, and proceed to lay out said road, and survey the same, and cause the same to be filed with the township clerk of each of the respective townships on the line thereof, so far as said road shall run through each of the respective townships; whose Survey of  
road to be  
filed with  
township  
clerks. duty it shall be to record the same, and such record shall be prima facia evidence of the existence of said road.

Sec. 3. This act is ordered to take immediate effect.

Approved February 4, 1858.

## LAWS OF MICHIGAN.

[ No. 25. ]

## AN ACT to provide for laying out a State Road from Saginaw to Cheboygan.

*Comm'nors appointed.* SECTION 1. *The People of the State of Michigan enact,*  
That Daniel Carter, of Fremont; Henry Raymond, of Saginaw county; D. D. Oliver, of Devil River; A. Terry, of Sauble River, and C. C. Whittemore, of Ottawa Bay; be, and the same are hereby appointed commissioners to lay *line of road.* out and establish a State Road from Saginaw, in the county of Saginaw, to Cheboygan, in the county of Cheboygan, touching as near as may be at Ottawa Bay, Sauble River, and Fremont, on Thunder Bay.

*Commissioners to file surveys with county clerks.* Sec. 2. The above named commissioners shall file so much of the survey of the above named road, in the office of the county clerk of each county through which said road shall pass, as shall be laid out in such county; and it shall be *Duty of co. clerks.* the duty of the several county clerks to record the same in their respective offices, and post such notice as may be required by law.

*Highway commis'ne's to open and work road.* Sec. 3. It shall be the duty of the commissioners of highways, in any organized township through which said road shall pass, to open and work the same, in the manner and by virtue of the same law as township roads are opened and worked.

*Compensation of commissioners.* Sec. 4. Said commissioners shall be entitled to receive for their services while engaged in laying out and establishing said road, the sum of two dollars a day for each and every day they are actually so engaged, to be paid *pro rata* by the counties through which said road shall pass.

*State liable for no expense or damage.* Sec. 5. The State shall not be liable for any expenses incurred, or damages sustained, by reason of this act, and if said road is not laid out and established within five years

from the passage of this act, then the provisions therein contained shall be void.

Road to be  
laid out  
within five  
years.

Sec. 6. This act is ordered to take immediate effect.

Approved February 4, 1858.

[ No. 26. ]

**AN ACT** to amend section six of act No. one hundred and forty-seven, of the session laws of eighteen hundred and fifty-seven.

**SECTION 1.** *The People of the State of Michigan enact,*  
That section 6 of said act shall be amended so as to read as follows:

Sec. 6. The said commissioners shall contract for the said drainage, and the construction and completion of said canal or channel across said flats, and all works connected therewith, necessary to its usefulness and safe navigation, and of all other necessary work for the improvement of said river, at such other time as they shall think proper, not later than the first of January, eighteen hundred and sixty, making payment for all of said work out of the sum by this act appropriated, and no payment shall be made on account of said works, or any of them, until the said drainage and the canal or channel across the said flats, and all works connected with or necessary to the usefulness thereof, are completed to the satisfaction of the said commissioners, and approved by the Governor, and in accordance with the terms of the contract to be made in pursuance of this act.

Duty of com-  
missioners.

Time limi-  
ted.

Condition of  
payment.

Sec. 2. This act is ordered to take immediate effect.

Approved February 4, 1858.

**LAWS OF MICHIGAN.**

[ No. 27. ]

**AN ACT to aid in the Improvement of a certain State Road.**

~~Extension.~~ **SECTION 1.** *The People of the State of Michigan enact,* That the provisions of act number sixty-eight of the session laws of eighteen hundred and fifty-five, approved February tenth, eighteen hundred and fifty-five, be, and the same are hereby extended for a period of two years from and after the time limited in said act.

Sec. 2. This act shall take immediate effect.

Approved February 4, 1858.

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[ No. 28. ]

**AN ACT to provide for laying out and establishing a State Road in the county of Sanilac.**

~~Commissioners appointed.~~ **SECTION 1.** *The People of the State of Michigan enact,* That Henry Wideman, Daniel Wixson and Peter W. Ashley, of the county of Sanilac in the State of Michigan, be, and they are hereby appointed commissioners to lay out and establish a State road, running from and commencing at the village of Lexington, in the county of Sanilac aforesaid, thence as near as may be in a due west line from said village, to the west line of the county of Sanilac: *Provided*, That the western terminus of the said State road shall be within one of the townships nine, ten or eleven north, in said county of Sanilac.

~~Commissioners to file survey.~~ Sec. 2. It shall be the duty of said commissioners to cause a description of said State road, signed by them, or at least two of them, to be filed in the office of the township clerk of each of the respective townships through which said road or any part thereof may pass, on or before the first day of December next; and it shall be the duty of the several township clerks to record the same in ~~the books of the highway commissioners of their town-~~.

ships, and such survey, record and description of such road when so filed and recorded, shall be conclusive evidence of the existence of such State road; and if any township clerk shall neglect or refuse to record the same, he shall ~~penalty.~~ be liable to indictment and punishment as for a misdemeanor, as in other cases of neglect of duty on the part of any officer.

Sec. 3. For the purpose of improving said road, there ~~certain taxes~~ shall be and is hereby appropriated all of the non-resident ~~appropriated.~~ highway taxes that shall be collected in the year eighteen hundred and fifty-seven, and for three years thereafter, upon any legal sub-division of land, an equal or the greater part of which shall be within the two lines running parallel with said road, one mile each way from the center of said road, in the townships through which it may be laid out.

Sec. 4. It shall be the duty of said commissioners to superintend the expenditure of all such sums of money as shall be collected for the benefit and improvement of said State road, and to direct and determine the manner in which said labor shall be applied and laid out upon said road.

Sec. 5. It shall be the duty of the said commissioners, before entering upon the duties of their office, to execute and deliver each a bond to the people of the State of Michigan, in the penal sum of one thousand dollars each, with one sufficient surety, to be approved by the county treasurer of Sanilac county, and filed in his office, which bond shall be conditioned for the faithful performance of the duties of his office, imposed upon him by this act, and any default thereof shall render such commissioners, ~~commissioners to execute and file bond.~~ or any one of them (liable) to prosecution in the same manner as county officers; and any moneys recovered upon any such prosecution, shall be paid over by the proper officers to the county treasurer of said county, to be by

him placed to the credit of the fund created by this act, for the improvement of the road herein named.

*Duties of commissioners.* Sec. 6. It shall be the duty of said commissioners, on or before the first day of December next, to make out a list of all non-resident lands coming under the provisions of this act, and deliver the same to the county treasurer of the county of Sanilac, who shall thereupon open an account with said commissioners, and credit to said commissioners all moneys that may thereafter be paid into his office as non-resident highway taxes upon any of the lands described in such list, according to the provisions of this act, and charge said commissioners with all moneys which may be drawn by their order, for the improvement of said road.

*Expenses, how paid.* Sec. 7. It shall be the duty of the said commissioners, or any two of them, in the payment for any labor performed, or materials furnished in the improvement of the said road, to issue their certificate to any person or persons to whom they may be indebted by virtue of their office, for work and labor done upon said road, or for materials furnished as aforesaid, and may attach to such certificate an order upon the county treasurer of said county of Sanilac for the amount thereof, payable out of the fund created by this act for the improvement of said road, who shall pay the same out of said fund, and charge the same as provided in section six of this act.

*Duties of commissioners in relation to receipt and disbursement of money.* Sec. 8. It shall be the duty of said commissioners to render to the board of supervisors of the county of Sanilac, at their annual meeting, a true account of the receipts and disbursements of all moneys they may have received or expended under the provisions of this act, and the said board in their discretion may examine any one of such commissioners on oath, touching the correctness of such account.

Sec. 9. Any overseer of highways or any township

treasurer of any of the townships in which are situate any of the lands coming under the provisions of this act, who shall receive the whole or any part of any non-resident highway tax on such lands, shall immediately pay over the same to the county treasurer of said county of Sanilac, to be by him placed to the credit of the said commissioners, as provided for in other cases.

Sec. 10. Said commissioners may receive donations and subscriptions for the benefit of said State road, and shall cause the same to be faithfully expended and applied to the improvement of said State road.

Sec. 11. The said commissioners shall receive as compensation for their services, one dollar and fifty cents per day, while actually engaged in the performance of the duties imposed upon them by this act, which amount shall be paid out of the fund created by this act, after their accounts for the same, verified by their oaths, shall have been audited by the board of supervisors of said county of Sanilac.

Sec. 12. The right of way for said road through any lands belonging to this State is hereby granted and confirmed to the several townships in which the lands may be, and the State shall not be liable for any expenses incurred or damage sustained by virtue of this act.

Sec. 13. In case any vacancy shall occur in the office of commissioner, as created by this act, upon application being made by five freeholders of said county, the county treasurer, sheriff and prosecuting attorney of said county, shall proceed at once to appoint a commissioner or commissioners to fill such vacancy, which appointment shall be in writing, and signed by at least two of such officers, and filed in the office of the county treasurer of said county, and such appointee or appointees shall give bonds in like manner and have the same powers as the commissioners appointed by this act.

Commissioners for determining the necessity for taking private property.

Sec. 14. The commissioners appointed by this act may make application to the circuit court of the county of Sanilac, during any session thereof, for the appointment of the [three] commissioners by an order of such circuit court, whose duty it shall be, when private property is taken for the use of said State road, to ascertain the necessity of taking the same, appraise the damage and fix the compensation therefor, according to the provisions of section two of article eighteen of the constitution of this State, and whenever such application shall be made as aforesaid; it shall be the duty of the said circuit court to appoint said commissioners for the purposes aforesaid, by an order to be entered upon the journals of said court, without delay or evasion.

Their duties

Sec. 15. It shall be the duty of the said last mentioned commissioners, after their appointment by the said court, to procure [proceed] without delay to ascertain the necessity of taking such private property as is claimed to be necessary by the first mentioned commissioners, and if by them deemed necessary to be taken, they shall appraise the damages and award the compensation therefor, as is provided by law in ordinary cases of laying out highways, and shall file such award in writing, signed by them, in the office of the township clerk of the township where the property taken may be, and the same, to-wit, the damages and the compensation therefor, shall become a legal charge against the said respective townships, as is provided in ordinary cases of laying out highways.

Amt awarded  
ed a legal  
charge  
against the  
township.

Compensation of last named commissioners.

Sec. 16. The compensation of the last mentioned commissioners appointed by the said circuit court, shall be one dollar and fifty cents per day for each day actually spent by them in the discharge of their duties under this act and the appointment aforesaid, which shall be allowed and paid in the same manner as in case of the first mentioned commissioners.

Sec. 17. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

Sec. 18. This act shall take immediate effect.

Approved February 4, 1858.

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[ No. 29. ]

AN ACT to amend an act entitled "an act to incorporate the Village of Allegan," approved March 20th, A. D. 1838, and to repeal an act amendatory thereto, approved April 28th, A. D. 1846.

SECTION 1. *The People of the State of Michigan enact,* That act No. 43, of the session laws of eighteen hundred and thirty-seven and eight, entitled an "act to incorporate the village of Allegan, be, and the same is hereby amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact,* Boundaries. That all that tract of land embraced in section twenty-eight, town two north, of range thirteen west, in which the county site of Allegan county was located, be and the same is hereby constituted a town corporate, and shall be hereafter known by the name or title of the village of Allegan.

Sec. 2. The male inhabitants of said village having the Elections. qualifications of electors under the constitution, shall meet at the "Old Court House," in said village, on the second Monday of March next, and on the second Monday of March, annually thereafter, at such place as shall be provided in the by-laws of said village, and then and there proceed by a plurality of votes to elect by ballot from among the qualified electors residing in said village, five trustees, two assessors, one president, one recorder and What officers to be elected. one treasurer, who shall hold their offices for one year, and until their successors are elected and qualified: *Provided,* That if an election of such officers shall not be made on

the day when pursuant to this act it ought to be made, the said corporation for that shall not be deemed to be dissolved, but it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice to be given in the manner hereinafter described.

Judges of  
election.

Sec. 3. At the first election to be holden under this act, there shall be chosen *viva voce*, by the electors present, two judges and a clerk of said election, each of whom shall take an oath or affirmation, to be administered by either of the others, faithfully and honestly to discharge the duties required of him as judge or clerk of said election, who shall form the board of election, and shall conduct the same, and certify the result in the same manner that the common council are required to do by this act:

Opening and  
closing of  
the polls.

and subsequent elections shall be held in said village, and superintended by the president, recorder, and one or more of the trustees: and further, that at all elections the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and continue open until three o'clock in the afternoon of the same day, and no longer; and that the name of each elector so voting at such election shall be written in a poll list, to be kept at such election by the officer or officers holding the same; after the close of the polls at such election, the said officer or officers shall proceed without delay, publicly to count the ballots, (unopened) and if the number of ballots so counted, shall exceed the number of electors contained in the poll list, the officer or officers holding said election shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess; and if two or more ballots shall be found rolled or folded together, they shall not be estimated: and thereupon the officer or officers holding such election shall immediately proceed openly and publicly to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate on the same day or on

Ballots  
counted.

Canvass,  
when to be  
completed.

the next day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall file such certificate in the office of the recorder of said village, before ten o'clock in the forenoon of the next day after said election; at which last period the common council shall proceed to canvass said returns, and shall declare the result of said election; and in case it shall at any time happen that two or more persons shall have an equal number of votes for the same office, the common council shall make as many strips of paper of equal size, as there are persons having an equal number of such votes, and write a ballot for each of such persons, one on each of said strips of paper, and shall then put said ballots together in a hat, and one of the members of said common council shall then draw from said hat one of said ballots, and the person whose name shall be upon the ballot so drawn, shall be declared elected.

Certificate  
of votes,  
when and  
where to be  
filed.

Common  
council to  
canvass re-  
turns.

Proceedings  
in case of a  
tie.

Sec. 4. It shall be the duty of the recorder of said village to give at least five days notice, in writing, by posting the same in at least three public places in said village, of the time and place of holding all elections, and as soon as practicable, and within five days thereafter, after closing the polls at any election, to notify the officers respectively of their election; and the said officers, so elected, and notified as aforesaid, shall, within ten days after receiving a copy of such notice, take and subscribe the oath of office prescribed by the constitution, before any person authorized to administer oaths, and file the same with the recorder of said village.

Notice of  
election.

Notice to  
persons  
elected.

Oath of off-  
icers.

Sec. 5. It shall be the duty of the president to preside at all meetings of the village council, and the recorder shall keep a fair and accurate record of the proceedings.

President &  
recorder.

Sec. 6. The president, recorder and trustee of said village shall be a body corporate and politic, with perpetual succession, to be known and designated by the name of Body corpo-  
rate.  
Name, pow-  
ers, &c.

## LAWS OF MICHIGAN.

*May have seal, & hold real & personal estate*  
the common council of the village of Allegan, and by that name they and their successors shall be known in law, and shall be capable of suing and being sued, of pleading and being impleaded, in all courts and places whatsoever, and may have a common seal and may alter and change the same at pleasure, and may purchase, hold and convey real and personal estate, for the use of such corporation.

*Inhabitants liable to laws for townships.* Sec. 7. The inhabitants of said village shall be liable to the operation of any and all laws relating to the township government, except so far as relates to the laying out and construction of streets and highways, and the labor to be performed thereon, within the limits thereof.

*Who to constitute common council* Sec. 8. The president, recorder and trustees, when assembled together and duly organized, shall constitute the common council of said village, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, (though a less number may adjourn from time to time;) and the said common council shall hold their meetings at such time and place as the president, or in his absence the recorder may appoint; and the common council shall have power to impose, levy and collect such fines as they may deem proper, for the non-attendance of the officers and members thereof, at any such meeting; and also to require the attendance of any officer by them appointed, and to impose and collect fines for non-attendance;

*Powers and duties.* *Provided.* No such fine shall exceed five dollars for one offence.

*Common council may fill vacancy.* Sec. 9. The board of common council may order a special election to fill any vacancy that may occur by the death, resignation, or removal of any of the officers elected by the electors of said village; but no special election shall be held until at least five days notice shall have been given, of the time and place of holding the same, as herein provided.

*Removals.* Sec. 10. The common council shall have power to re-

move at pleasure, any of the officers by them appointed by virtue of this act, and to fill all vacancies that may happen in any of said offices, so often as the same may occur, by death, resignation, removal, or any other cause; and all officers so appointed shall be notified and qualified as aforesaid, and perform the duties of their respective offices.

Sec. 11. The treasurer and marshal shall, respectively, before they enter upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the trusts reposed in them, as the common council shall direct and require.

Sec. 12. The common council shall have full power and authority to appoint a marshal, and all other officers necessary under the provisions of this act, for said village, whose election is not herein provided for, to make by-laws and ordinances relative to the duties, powers and fees of the marshal, treasurer, assessor, and other officers; relative to the time and manner of working upon the streets, commons, lanes and alleys; relative to the time and manner of assessing, levying and collecting all highway and other taxes in said village; relative to the prevention, removal and abatement of nuisances within the limits of said village; to construct sewers, cisterns and reservoirs; to license showmen; to suppress gaming; to compel the owners of buildings to procure and keep fire buckets. relative to the protecting of the village from fires; relative to the calling of meetings of the electors of said village; relative to the keeping and sale of gun-powder in said village; relative to the restraining of swine, horses and other animals from running at large in the streets, commons, lanes and alleys in said village; to regulate and establish one or more pounds in said village; to suppress billiard and other gaming tables kept for hire, gain or reward, in said village; for the suppression of riots; for preventing and suppressing disorder.

J.

Treasurer  
and mar-  
shal to give  
security.

Power of  
Council as to  
appoint-  
ments.

Ordinances  
relative to  
the duties  
and powers  
of officers.

Nuisances.

Gaming.

Fire buckets

Gun powder  
Running at  
large of ani-  
mals.

Riots.

**Disorderly houses.** derly houses or houses of ill fame in said village; for the apprehension and punishment of vagrants drunkards and idle persons in said village: to regulate the measuring of fire-wood and the weighing of hay in said village; to prescribe stands for carts, drays, and for wood, hay and produce exposed for sale in said village; to prevent and punish immoderate drinking in any of the streets of said village; to prevent incumbering the streets, side-walks, alleys or public grounds, and to regulate all grave-yards and cemeteries within or belonging to said village; to preserve **Stands for carts.** shade and ornamental trees in said village, and to make all such by-laws and ordinances as to them shall seem necessary for the safety and good government of said village and its inhabitants, and to impose all fines, penalties and forfeitures of all persons offending against such by-laws and ordinances: *Provided always*, That such by-laws shall not be repugnant to the Constitution of the United States, or the State of Michigan: *And provided also*, That no by-laws or ordinances of said corporation shall have any effect until the same shall have been published three weeks successively in a newspaper printed in said village, or by written notices posted up in three of the most public places in said village.

**Streets, side walks, wa- ter courses, &c.** Sec. 13. The common council shall have authority to lay out and establish, open, make, and alter such streets, lanes, and alleys, sidewalks, highways and water courses, within the limits of said village, as they may deem necessary for the public convenience, and if they shall require the lands of any person for such purpose, they shall give notice thereof to the owner or parties interested, or his or their agent or representative, by personal service, or by written notice posted in at least three public places in said village, three weeks next preceding the meeting of the said common council for the purposes aforesaid, and the said common council are hereby authorized to contract for and pur-

**Proceedings on taking private property for public use.**

chase such lands of such owner for the purposes aforesaid; and in case such owner or owners refuse to sell or convey such lands or premises for the purposes aforesaid, or the parties fail to agree, it shall and may be lawful for said common council to direct the recorder of said village to issue a venire facias to command the marshal of said village, or any constable of said county, to summon and return a jury of twelve disinterested freeholders, residing without the limits of said village, to appear before a justice of the peace in said village, at a time to be therein stated, to inquire into the necessity of using such ground or premises, and the just compensation to be made therefor to the owner or owners, or parties interested in such land and premises, which jury being duly sworn by such justice, faithfully and impartially to inquire into and determine the necessity of using such grounds or premises, and to ascertain and determine the just compensation to be made therefor, and after having reviewed the premises, if necessary, shall inquire and assess such damages and recompense as they may think proper to award to the owner or owners of such lands or premises, according to their respective estates or interests therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same, and such sum or sums so assessed, together with all costs, shall be paid or legally tendered, before such street, lane or alley, sidewalk or highway, shall be made, opened, established or altered, to the claimant or claimants thereof. It shall therefrom be lawful for the common council to cause the said lands and premises to be occupied and used for the purpose aforesaid: *Provided*, That any party <sup>Provi</sup>ce may have the right to remove such proceedings, by appeal, to the circuit court for the county in which such proceedings were had, upon giving notice of his, her or their intention so to do, to said justice, in writing, within five days, or in case such party

does not reside in said village, then within thirty days after the rendition of such verdict, and the judgment thereon as aforesaid, and upon filing a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the verdict and judgment as aforesaid, in the said circuit court, the same proceedings shall thereafter be had thereon as is prescribed by law in other cases of appeal: *Provided*, That if the final judgment of said court shall not exceed the damages assessed before the said justice, at least five dollars, the party appealing shall pay the costs occasioned by such appeal.

*Proviso.*

Powers of  
justices of  
the peace of  
Allegan.

Sec. 14. Any justice of the peace of the township of Allegan, is hereby authorized and empowered to enquire, hear and determine all offences committed within the limits of said village, against any of the by-laws, ordinances and regulations of said common council, and to punish the offender or offenders as prescribed by such by-laws or ordinances: *Provided*, That any person charged with violating any of said by-laws or ordinances, may demand and have a trial by jury as in other cases.

*Proviso.*

Compensa-  
tion of cer-  
tain officers.

Sec. 15. The marshal, recorder, assessors, and such other officers as may be appointed by the common council, shall receive such compensation for their services as the by-laws and ordinances shall direct.

Annual  
statement of  
receipts and  
expendi-  
tures.

Sec. 16. The common council shall, at the expiration of each year, cause to be published a just and true statement of all the moneys received or expended by them, in their corporate capacity, during the year next preceding such publication, and also the disposition thereof; which statement shall contain in detail, all receipts and expenditures.

Citizens as  
jurors and  
witnesses.

Sec. 17. In all processes, prosecutions and other proceedings, wherein the common council of said village shall be a party, no citizen of said village shall be deemed an incompetent juror or witness, on account of the interest of such citizen in the event of such process or proceeding:

*Provided*, That such interest be only that which is in common with the citizens of said village.

Sec. 18. Process against such corporation may be served by leaving a copy of such process, attested by the proper officer, with the recorder or president of such corporation:

*Provided*, That the first process shall be a summons served at least ten days before the return day thereof.

Sec. 19. The common council shall have full power and authority to levy and collect a capitation or poll tax upon the legal voters of said village, and also taxes on all real and personal property [not exempt from taxation] within the limits of said village, necessary to defray the expenses thereof: *Provided*, The said taxes so assessed and collected shall not exceed in any one year, one half of one per centum upon the valuation of said real and personal property, and exclusive of the capitation or poll tax; and every assessment of taxes lawfully imposed or laid by said common council, on any lands, tenements and hereditaments, or premises whatsoever in said village, shall be and remain a lien on such lands, tenements and hereditaments, from the time of making such assessment or imposing such tax, until paid; and the owner or occupants or parties in interest respectively in said real estate, shall be liable upon demand to pay every such assessment or tax to be made as aforesaid; and in default of such payment or any part thereof, it shall be lawful for the marshal of said village to sell personal estate, and for the want thereof to sell real estate, rendering the surplus, if any, after deducting the charges of such sale, to the person against whom the tax is levied: *Provided*, That whenever any real estate shall be sold by said marshal, notice thereof shall be published in a newspaper printed in said county, and in each week for at least four weeks, or by posting written notices in three public places in said village, for at least four weeks previous to such sale; and the said marshal shall give to

the said purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the time when the purchaser will be entitled to a deed for said land; and if the person claiming title to said land described in the sale, shall not within one year from the date thereof, pay to the treasurer of said village, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with the interest thereon at the rate of twenty per cent. per annum from the date of such certificate, the said marshal or his successor in office, shall, at the expiration of the said one year, execute to the purchaser or purchasers, his or their heirs or assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple, subject to all the claims the State shall have therein; and the said conveyance shall be *prima facie* evidence that the sale and all the proceedings therein, prior to such sale, were regular, according to the provisions of this act; and every such conveyance executed by the said marshal under his hand and seal, in the presence of two or more subscribing witnesses, and duly acknowledged and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded; and all personal estate so sold, shall be sold in such manner as the by-laws and regulations of the corporation shall direct.

Notice of  
completion  
of assess-  
ment roll.

Sec. 20. Whenever the assessors of said village shall have completed their assessment roll and valuation of the property, real and personal, in said village, it shall be their duty to give notice thereof by publishing in a newspaper printed in said village, by at least two insertions, or posting up the same in three of the most public places in said village, stating the place where the said roll is left, for the inspection of all persons interested, and of the time when,

and the place where they will meet to hear the objections of any persons interested, to the valuations so made therein; and at the time so appointed the assessors shall meet, and on the application of any person considering himself aggrieved, may review and reduce the said valuation on sufficient cause being shown upon oath, to the satisfaction of said assessors; and if any person or persons shall conceive himself or themselves aggrieved by the final decision of the said assessors, they shall have the right of appealing from such decision of the assessors, at any time within ten days thereafter, to the common council, who are in like manner hereby authorized, upon sufficient cause being shown, as aforesaid, to reduce said valuation.

Sec. 21. It shall be the duty of the common council to make out a duplicate of the tax roll, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village; which duplicate shall be signed by the president and recorder, and delivered to the marshal, whose duty it shall be to collect the same within such time and in such manner as the by-laws shall direct.

Sec. 22. All moneys received by the marshal shall be paid over to the treasurer of said village, as shall be prescribed by the ordinances of the common council.

Sec. 23. The common council shall have power to appoint one or more street commissioners, or other officers, to superintend and direct the making, planking, paving, re-pairing and opening all streets, lanes, alleys, sidewalks or highways, within the limits of said corporation, in such manner as they may from time to time be directed by the common council: *Provided*, That the commissioners of highways of the township of Allegan, shall possess the same powers, and are charged with the same duties within the corporate limits of said village, as to the maintenance of

<sup>Expense of  
grading, &c.,  
how paid.</sup> bridges therein, as are now required of them by law; and also for establishing the line upon which buildings may be erected, and beyond which such buildings shall not extend; and the common council shall cause the expenses of grading such side-walks to be assessed on lots or premises adjoining such improvements, or by general assessment, or otherwise, as they may direct.

<sup>Fire compa-  
nies.</sup> Sec. 24. The common council shall have authority to es-

tablish and organize fire companies, and hook and ladder companies, and provide them with engines and other implements as shall be necessary to extinguish fires and pre-serve the property of the village from conflagrations, to appoint from among the inhabitants of such village, such number as may be deemed necessary to serve as firemen, and each fire company and hook and ladder company, shall have power to elect their own officers, and establish rules for the government of said companies, subject to the ap-proval of the common council, and they may impose such fines for the non-attendance or neglect of duty of any of its members as they may deem necessary and proper; and every member of such company may obtain from the re-corder of said village, a certificate to that effect, which shall be evidence thereof, and the members of such com-pany, during their continuance as such, shall be exempt from serving on juries and working a poll tax on the streets and highways of said village, and it shall be the

<sup>Duties of fire  
companies.</sup> duty of every fire company to keep in good repair and condition, the fire engines, hose, ladders, and other instru-ments of such company, and they shall assemble at least once in each month, or as often as may be directed by said common council, for the purpose of working or examining said engines and other instruments with a view to their perfect order and repair.

<sup>Duties of  
marshal at  
fires.</sup> Sec. 25. Upon the breaking out of any fire in said vil-lage, the marshal shall immediately repair to the place of

such fire, and aid and assist as well in extinguishing such fire as in preventing any goods from being stolen, and also in removing and saving the same, and shall in all respects be obedient to the president, recorder and trustees, or either of them who may be present at the fire.

Sec. 26. That act No. eighty, of the session laws of eighteen hundred and fifty-[forty]-six, entitled "an act to amend an act entitled an act to incorporate the village of Allegan," approved March twentieth, eighteen hundred and thirty-eight, be, and the same is hereby repealed.<sup>Act repeal-ed.</sup>

This act is ordered to take immediate effect.

Approved February 4, 1858.

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[ No. 30. ]

AN ACT to incorporate the city of Ypsilanti.

SECTION 1. *The People of the State of Michigan enact,* <sup>Boundaries.</sup> That so much of the township of Ypsilanti, in the county of Washtenaw, as is included in the following description, to wit: Beginning on the south bank of the Huron river, on the line between sections four and five in said township, thence south to the north-east corner of lot number eight of the sub-division of said section five; thence west to the north-west corner of lot number six in said sub-division; thence south to French claim six hundred and eighty, (680); thence east to the Huron river; thence down the west branch [bank] of said river to the south-east corner of the west half of the north-west fractional quarter of section fifteen in said township; thence north to the north line of the south-west quarter of section three in said township; thence west to the south bank of the Huron river; thence up the said river to the place of beginning; be and the same is hereby set off from the said township of Ypsilanti, and declared to be a city, by the name of "the city of Ypsilanti," by which name it shall hereafter be known.

**Body corporate.** Sec. 2. The freemen of said city, from time to time, being inhabitants thereof, shall be and continue a body corporate and politic, to be known and distinguished by the name and title of the city of Ypsilanti, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law and equity, and in all other places whatever; and may have a common seal, which they may alter and change at pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, conveying and disposing of any real and personal estate for said city.

**Title.** **Powers.** **First ward.** Sec. 3. The said city shall be divided into five wards, to wit: The first ward shall embrace all that portion of said city included within the following boundaries, namely: Beginning at the Huron river on the south line of Michigan street projected eastward to said river, thence west to the west line of Hamilton street, thence north to the south line of the Chicago road, thence westerly along the south line of the Chicago road to the west line of said city, thence south to the south line of said city, thence east to the Huron river, thence up said river to the place of beginning.

**Second ward.** **Boundaries.** The second ward shall embrace all that territory included within the following boundaries: Beginning at the north-east corner of said first ward, thence west along the north line of said first ward to the west line of said city, thence north to the south line of the Ann Arbor road, thence east along the south line of the Ann Arbor road and Ellis street projected eastwardly to the Huron river, thence down said river to the place of beginning. The third ward shall embrace all that territory lying on the west side of the Huron

**Third ward.** **Fourth ward.** river and north of the said second ward. The fourth ward shall embrace all that territory north of a line drawn from the Huron river along the south line of Cross street to the east line of said city and east of the Huron river. The

fifth ward shall embrace all that territory lying east of the ~~fifth~~ ward. Huron river and south of said fourth ward.

Sec. 4. The officers of said city shall be one mayor, <sup>Officers re-elect.</sup> one supervisor, one treasurer, one clerk; and also one justice of the peace and one constable in the first, second and third wards, and one justice of the peace and one constable in the fourth and fifth wards of said city; two aldermen in each ward of said city; two school inspectors, two directors of the poor, who shall be elected at the annual city election by the qualified electors of the whole city, or of the wards thereof respectively, by ballot as hereinafter provided; also, one auditor, one marshal, and watchmen not to exceed one for each ward, of whom <sup>Officers ap-</sup> one shall be designated as captain of the watch, one health <sup>pointed.</sup> physician, and so many fire wardens, common criers, pound masters, inspectors of fire wood, weigh masters and auctioneers, as the common council shall from time to time direct, to be appointed by the common council, and such other officers as may be necessary to carry into effect the powers granted by this act, whose powers and duties, other than those defined in this act, shall be such as shall be prescribed by ordinance of the common council.

Sec. 5. No person shall be eligible to either of said offices, unless he shall then be an elector and resident of said city, nor shall he be eligible to any office for any ward or district, unless he shall then be an elector and resident of such ward or district, and when any officer elected or appointed for any ward or district, shall cease to reside in said city, or if elected or appointed for any ward or district, (shall cease to reside in such ward or district,) his office shall thereby become vacant.

Sec. 6. An election shall be held in each ward annually, <sup>Annual elec-</sup> on the first Monday in April, at such place as the common council shall appoint by posting printed notices of the <sup>Notice of</sup> holding of said election, in at least three of the most pub-

lic places in each ward, at least six days previous to said election.

*What officers to be elected at 1st election.* Sec. 7. At the first annual election to be held in said city after the passage of this act, there shall be elected one mayor and one supervisor for said city, two aldermen in each ward, one for the term of one year, who shall enter upon the duties of his office immediately upon his qualification, in the year eighteen hundred and fifty-eight, and another for the term of two years, and the term for which the person voted for is intended, shall be designated on

*What at annual elections.* the ballot; and at each annual election thereafter to be held, one alderman shall be elected in each ward, who shall hold his office for the term of two years; there shall be elected annually in the first, second and third wards, by the electors thereof, one constable, to hold his office for one year; and by the electors of the fourth and fifth wards, one constable, who shall hold his office for one year; and at the first annual election after the passage of this act, there shall be elected by the electors of the first, second and third wards, one justice of the peace, and by the electors of the fourth and fifth wards, one justice of the peace, who shall hold their offices within the districts for

*Term of of 2nd.* which they are elected, and for the term of four years from the time they enter upon the duties thereof, as hereinafter provided, and at every fourth annual election thereafter, unless a vacancy shall sooner occur, there shall be elected two justices of the peace, as aforesaid, who shall hold their office four years: *Provided*, That the persons already elected to the office of justice of the peace in said township, shall continue to hold their offices as justices of the peace for their unexpired terms; and there shall also be elected annually by the electors of the whole city,

*Mayor.  
Clerk.  
Treasurer.  
Director of  
the poor.* voting in their respective wards, one mayor, one clerk, one treasurer, two directors of the poor, who shall hold their offices for the period of one year; at the first annual elec-

## LAWS OF MICHIGAN.

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tion after the passage of this act, and at the annual election every two years thereafter, there shall be elected in said city by the electors thereof voting in their respective wards, two school inspectors, to hold their office for the term of two years: *Provided*, That the persons now holding said office of school inspector in said township, shall continue to hold their office for the remainder of their unexpired term.

Sec. 8. The common council shall at the first meeting after their election, or as soon thereafter as may be, and as often as any vacancy occurs in any of the offices in this section named, appoint by ballot two commissioners for the city cemetery (or cemeteries), one of whom shall hold his office for the term of two years, and one of them for the term of one year, and the term of each shall be designated upon the ballot, and annually thereafter the said common council shall appoint one commissioner of the city cemetery, who shall hold his office for two years; they may also appoint the watchmen for said city, not to exceed one for each ward, of whom they shall designate one as captain of the watch, to hold their respective offices during the pleasure of said council; they shall appoint at their first annual meeting after their election, or as soon thereafter as may be, one health physician, to hold his office one year, and so many firewardens, common criers, pound masters, weigh-masters, inspectors of fire-wood and auctioneers as the common council shall deem necessary, each to hold their offices during the pleasure of the common council; the common council shall contract with a counsellor at law to perform such services as may be required of him as attorney and counsellor at law for said city, for such period not exceeding one year, and for such compensation not to exceed two hundred dollars for a year, and the same rate for any less period, as the common council shall determine; the person with whom such contract is made shall not be

## LAWS OF MICHIGAN.

entitled to receive during its continuance, [or for services rendered during its continuance,] any other fee or reward whatever which shall be paid out of, or withheld from the treasury of the city.

*Pulling vs.  
council.*

Sec. 9. When any vacancy occurs in any of the offices which are appointed by the common council, either by death, resignation or removal of the incumbent, the said council may fill such vacancies by appointment for the remainder of the unexpired term for which such officer was appointed.

*Removals.*

Sec. 10. All officers appointed by the common council, by the provisions of this act, may each be removed from office by the common council, for official misconduct, or for the unfaithful or insufficient performance of the duties of his office, but notice of the charges against them, and an opportunity of being heard in their defence shall first be given.

*Elections:  
Opening  
polls.*

Sec. 11. On the day of election, held by virtue of this act, the polls shall be opened in each ward, at the several places designated by the common council, at eight o'clock in the morning, and shall be kept open, without intermission or adjournment, until four o'clock in the afternoon, at which hour they shall be finally closed.

*Closing  
polls.*

*Who elec.  
tors.*

Sec. 12. The inhabitants of the said city being electors under the constitution of the State of Michigan, and no others, are declared to be electors under this act, and qualified to vote at the elections held by virtue of this act; and each person offering to vote at any such election, if challenged by an elector of said city before his vote shall be received, shall take one of the oaths now provided by the laws of this State, approved June 27th, 1851, entitled an act to provide for holding general and special elections, which oath shall be administered to him by one of the inspectors of election, and if any person shall swear falsely, upon conviction thereof, he shall be liable to the pains and

*Oaths of  
electors.*

*False swear-  
ing.*

penalties of perjury, but the common council of said city are hereby authorized and empowered to provide by general ordinance, from time to time, to so change the form of the oath or oaths to be administered to such elector, (if challenged,) as to conform to the constitution and laws of the State which may from time to time be in force.

Sec. 13. The two aldermen of each ward shall constitute Who to constitute the board of inspectors. the board of inspectors of elections, and such one of their number as they shall appoint shall be their chairman; said board shall also appoint two competent persons to be clerks of election; each of said persons so appointed shall take the constitutional oath of office, to be administered by either inspector of said board, who are hereby authorized to administer the same.

Sec. 14. Inspectors of election, as specified in the preceding section, shall be inspectors of election held in said wards respectively, as well for the election of State, district and county, as for the city and ward officers. Inspectors, &c., for State and Co. officers.

Sec. 15. The electors shall vote by ballot, and each person offering to vote shall deliver his ballot, so folded as to conceal its contents, to one of the inspectors, in the presence of the board; the ballot shall be a paper ticket, which shall contain, written or printed, or partly written and partly printed, the names of the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended by him to be chosen; but no ballot shall contain a greater number of names of persons, designated for any office, than there are persons to be chosen at the election to fill such office. Maner of voting.

Sec. 16. The ballot shall contain the names of persons Ballot. designated as officers for the city; and as officers for a ward. The common council shall provide two boxes for Ballot boxes. each ward, with locks and keys, in which the two kinds of votes shall be deposited separately.

Sec. 17. If at any annual election to be held in the said

~~Vacancies to be named on the ballot.~~ city, there shall be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for the full term of said office, the term for which each person voted for, for the said office, shall be designated on the ballot.

~~Canvass.~~ Sec. 18. Immediately after the closing of the polls, the inspectors of election, shall, without adjournment, publicly canvass the votes received by them, and declare the result; and shall, on the same, or on the next day, make a certificate stating the number of votes given for each person for each office, and shall file such statement and certificate on the day of election, or on the next day, with the clerk of the city.

~~Poll list.~~ Sec. 19. It shall be the duty of the inspectors of election, on receiving the vote, as specified in section fifteen, to cause the same, without being opened or inspected, to be deposited in the proper box provided by the common council for that purpose; the said board shall also write down or cause to be written down, the name of each elector voting at such election, in a poll list to be kept by said inspectors of election, or under their direction.

~~Method of canvassing.~~ Sec. 20. The manner of canvassing said votes shall be as follows: the inspectors shall proceed to count the ballots, unopened, and if the number of ballots so counted shall exceed the number of names of electors contained in the poll list, one of the inspectors shall draw out and destroy as many as the number of ballots exceeds the number of electors contained in said poll list; and if two or more ballots are found rolled or folded up together, they shall not be counted; they shall then proceed to count and estimate said votes as provided in the preceding section: *Provided, however,* That the first election held after the passage of this act, shall be conducted by the persons, at the time and places and in the manner to be designated for the first, second and third wards, by the common coun-

cil of the village of Ypsilanti; and for the fourth and fifth wards by the president and trustees of the village of East Ypsilanti, and the persons so elected shall be notified of their election, and file their oath of office, as the said bodies shall direct.

Sec. 21. The person receiving the greatest number of votes for any office in said city or ward, shall be deemed to have been duly elected to such office, and if any officer, except aldermen, shall not have been chosen by reason of two or more candidates having received an equal number of votes, the common council shall by ballot elect such officer from the two candidates having the highest number of votes.

Sec. 22. The common council of the village of Ypsilanti, and the president and trustees of the village of East Ypsilanti, shall convene on the Thursday next succeeding such election, at two o'clock in the afternoon, at their usual places of meeting; and shall determine and certify, in the manner provided by law, what persons are duly elected, at the said election, to the several offices respectively. Such certificate shall be made in triplicate, one of which shall be filed with the clerk of each of said villages, and the other with the clerk of the county of Washtenaw. The common council of the city, for the preceding year, shall convene on the Thursday next succeeding each annual election, at two o'clock in the afternoon, at their usual place of meeting, and shall determine and certify, in the manner provided by law, what persons are duly elected at the said election to the several offices, respectively; such certificate shall be made in duplicate, one of which shall be filed with the clerk of the city, and the other with the clerk of the county of Washtenaw.

All officers elected as hereinbefore provided shall enter upon the duties of their respective offices on the first Monday in October, when to commence.

day of May next following such election, unless otherwise herein provided.

*Notifying officers of their election.* Sec. 23. It shall be the duty of the clerk of said city, as soon as practicable, and within five days after the meeting of the common council, as provided in the preceding section, to notify the officers respectively of their election; and the said officers so elected and notified, as aforesaid, shall, within ten days after such notice, take the oath of office prescribed by the constitution of this State, before some officer authorized by law to administer oaths, and file the same with the clerk of said city.

*Vacancy in office of alderman; how filled.* Sec. 24. Whenever a vacancy occurs in the office of alderman, by his refusal or neglect to take the oath of office within the time required by this act, by his resignation, death, ceasing to be an inhabitant of the city or ward for which he shall have been elected, removal from office, or by the decision of a competent tribunal declaring void his election, or for any other cause, the common council of said city shall immediately appoint a special election to be held in the ward for which such officer was chosen, at some suitable place therein, not less than five days nor more than fifteen days from the time of such appointment: *Provided*, That in case any such vacancy shall occur in the said office of alderman within three months before the first Monday of April in any year, it shall be optional with the common council to order a special election or not, as they shall deem expedient.

*Vacancies filled by appointment.* Sec. 25. In case a vacancy shall occur in any of the offices in this act declared to be elective or appointive, except aldermen, the common council may, in their discretion, fill such vacancy by the appointment of a suitable person, who is an elector, and if appointed for a ward, who is also a resident of the ward for which he shall be appointed, and any officer appointed to fill a vacancy, if the office is elective, shall hold by virtue of such appointment only until the first

*When to terminate.*

Monday of May next succeeding; if an elective office which shall have become vacant was one of that class whose terms of office continue after the next annual election, a successor for the unexpired term shall be elected at the next annual election.

Sec. 26. Whenever a special election is to be held, the common council shall cause to be delivered to the inspectors of election in the ward where such officer is to be chosen, a notice, signed by them, specifying the officer to be chosen, and the day and place at which such election is to be held, and the proceedings at such election shall be the same as at the annual or general election; such notice shall also be published in a newspaper of the city, at least once before the day of such special election.

Sec. 27. Every person chosen or appointed by the common council, before he enters upon the duties of his office, and within five days after being notified of his appointment shall cause to be filed in the office of the city clerk, a notice in writing, signifying his acceptance of such office.

Sec. 28. If any person elected or appointed under this title shall not take and subscribe the oath of office, and file the same as therein directed, or shall not cause a notice of acceptance to be filed as therein directed, or if required by the common council to execute an official bond or undertaking, shall neglect to execute and file the same, in the manner and within the time prescribed by the common council, such neglect shall be deemed a refusal to serve, unless before any step is taken to fill any such office by another incumbent, such oath shall be taken or such acceptance be signified as aforesaid.

Sec. 29. At the expiration of twenty days after any election or appointment of any officer or officers in the said city, the clerk of the said city shall deliver to the common council a list of the persons elected or appointed, and of the office to which they are chosen therein, specifying such as

Notice of  
special elec-  
tions.

Notice of ac-  
ceptance.

Neglect to  
signify ac-  
ceptance  
deemed a  
refusal to  
serve.

Clerk to de-  
liver list of  
persons  
elected or  
appointed.

shall have filed with him the oath of office, or notice of acceptance required by this act, and such as shall have omitted to file the same within the time herein prescribed.

*Mayor to report defaulting officers.*  
Sec. 30. The mayor shall report to the common council the names of such officers as shall have neglected to give the bond and security required by the provisions of this act.

*To whom resignation to be made.*  
Sec. 31. Resignations] by any officer authorized to be chosen or appointed by this act, shall be made to the common council, subject to their approval and acceptance.

*Qualifications of electors.*  
*Provided.*  
Sec. 32. At all city elections, every elector shall vote in the ward where he shall have resided ten days next preceding the day of election, otherwise he may vote in the ward from which he removed: *Provided*, He shall have resided in such ward ten days prior to such removal. The residence of an elector under this act shall be the ward where he boards or takes his regular meals.

*Vacancy in board of inspectors, how filled.*  
Sec. 33. At any election held under this act, if, from any cause, either or all of the inspectors of election shall fail to attend any such election, at the appointed time and place, his or their place may be supplied for the time being by the electors present, who shall elect any of their number *viva voce*; who, when so elected, shall be duly sworn, by an officer authorized to administer oaths, to a faithful performance of their duties.

*Expenses of elections.*  
Sec. 34. The expenses of any election to be held as provided by this act, shall be city charges, and defrayed in the same manner as the other contingent expenses of the city.

*Officers to hold till successors qualified.*  
Sec. 35. Any person elected to any office under this act, at the expiration of the term thereof, shall continue to hold the same until his successor shall be elected or appointed and qualified; and when a person is elected to fill a vacancy in any elective office, he shall hold the same only during the unexpired portion of the regular term limited

to such office, and until his successor shall be elected and qualified.

Sec. 36. The mayor and aldermen of said city shall constitute the common council. They shall meet at such times and places as they shall from time to time appoint; and on special occasions, whenever the mayor or person officiating as mayor, (in case of vacancy in the office of mayor, or of his absence from the city, or inability to officiate,) shall, by written notice appoint, and which shall be served on the members in such manner and for such time as the common council may by ordinance direct.

Sec. 37. The mayor, when present, shall preside at the meetings of the common council, and in his absence the common council shall appoint one of their number, who shall preside.

Sec. 38. No ordinance or resolution passed by the common council, shall have any force or effect, if, on the day of its passage or on the next day thereafter, the mayor or other officer legally discharging the duties of mayor, shall lodge in the office of the city clerk, a notice in writing, suspending the immediate operation of such ordinance or resolution. If the mayor or other officer legally exercising the office of mayor, shall, within twenty-four hours after the passage of such ordinance or resolution, lodge in the office of the city clerk his reasons in writing why the same should not go into effect, the same shall not go into effect nor have any legal operation, unless it shall, at a subsequent meeting of the common council, be passed by a majority of two-thirds of all the members of the common council then in office, exclusive of the mayor, or other officer legally discharging the duties of mayor, and if so re-passed, shall go into effect according to the terms thereof. If such reasons in writing shall not be lodged with the clerk as above provided, such ordinance or resolution shall have the same operation and effect as if no notice suspending the same

had been lodged with the city clerk, and no ordinance or resolution of the common council, for any of the purposes mentioned in this section, shall go into operation until after the expiration of twenty-four hours after its passage.

Duty of  
clerk.

Sec. 39. It shall be the duty of the city clerk to communicate to the common council, at the next meeting of the board, any paper that may be lodged with him pursuant to the last preceding section.

Members to  
have one  
vote.

Sec. 40. In the proceedings of the common council each member present shall have one vote, except the mayor or officer discharging the duties of mayor.

Sittings to  
be public.

Sec. 41. The sittings of the common council shall be public, except when the public interests shall in their opinion require secrecy. The minutes of the proceedings shall be kept by the clerk, and the same shall be open at all times for public inspection.

Votes to be  
entered on  
the journal  
in certain  
cases.

Sec. 42. Whenever required by two members, the votes of all the members of the common council, in relation to any act, proceeding or proposition, had at any meeting, shall be entered at large on the minutes; and such votes shall also be entered in relation to the adoption of any resolution, or ordinance, report of a committee, or other act, for taxing or assessing the citizens of said city, or involving the appropriation of public moneys.

Quorum.

Sec. 43. A majority of the common council shall be a quorum for the transaction of business; but no tax or assessment shall be ordered, nor any appointment be made, except by a concurring vote of a majority of all the members of the common council: and the council shall prescribe the rules for its proceedings.

Rules.

Sec. 44. No member of the common council shall, during the period for which he was elected, be appointed to, or be competent to hold any office, of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the common

Disabilities  
of members.

council, or be directly or indirectly interested in any contract, as principal, surety, or otherwise, the expenses or consideration whereof are to be paid under any ordinance of the common council; but this section shall not be construed to prevent the mayor or clerk from receiving any salary which may be fixed by the common council, nor from holding any office, nor to deprive any alderman of any emoluments or fees to which he may be entitled by virtue of his office.

Sec. 45. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances, rights and interests, buildings, and all property, real and personal, belonging to the city, and may make such orders and by-laws relating to the same as they shall deem proper and necessary; and further, that they shall have power within said city to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws, and regulations, as they deem desirable within said city, for the following purposes:

1. To prevent vice and immorality, to preserve public <sup>Public</sup> <sub>peace.</sub> peace and good order, to regulate the police of the city, to prevent and quell riots, disturbances, and disorderly assemblies.
2. To restrain and prevent disorderly and gaming houses, <sup>Disorderly</sup> <sub>houses.</sub> and houses of ill fame, all instruments and devices used for gaming, and to prohibit all gaming and fraudulent de- <sup>Gaming.</sup> vices, and regulate or restrain billiard tables, and bowling alleys.
3. To forbid and prevent the vending or other disposition of liquors and intoxicating drinks, in violation of the laws of this State, and to forbid the selling or giving, to be drank, any intoxicating liquors to any child or young person, without the consent of his or her parent or guardian, and to prohibit, restrain and regulate the sale of all goods,

wares and personal property at auction, except in cases of sales authorized by law, and to fix the fees to be paid by and to auctioneers.

**Show and exhibitions.** 4. To prohibit, restrain, and regulate, all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances, and exhibitions for money:

**Nuisances.** 5. To abate or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow-chandler shop, butcher's stall, soap factory, tannery, stable, privy, hog pen, sewer, or other offensive or unwholesome house or place; to cleanse, remove, or abate the same, from time to time, as often as they may deem necessary for the health comfort and convenience of the inhabitants of said city:

**Slaughter houses, &c.** 6. To direct the location of all slaughter houses, markets and buildings for storing gunpowder, or other combustible substances:

**Gun powder and other dangerous articles.** 7. Concerning the buying, carrying, selling and using gunpowder, fire-crackers, or fire-works, manufactured or prepared therefrom, or other combustible materials, and the exhibition of fire-works, and the discharge of fire-arms, and the lights in barns, stables and other buildings, and to restrain the making of bonfires in streets and yards:

**Encumbrances in streets, &c.** 8. To prevent the cumbering of streets, side-walks, cross walks, lanes, alleys, bridges, aqueducts, wharves, or slips, in any manner whatever:

**Racing and immoderate driving.** 9. To prevent and punish horse racing, and immoderate driving or riding in any street, or over any bridge, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street, or over any bridge:

**Railroads.** 10. To determine and designate the route and grades of any railroad to be laid in said city, and to restrain and regulate the use of locomotives, engines and cars upon the railroads within the city:

11. To prohibit or regulate bathing in any public water, <sup>Bathing.</sup> and to provide for cleansing Huron river of drift wood and other obstructions:
12. To restrain and punish drunkards, vagrants, mendicants, street beggars, and persons soliciting alms or subscriptions for any purpose whatever: <sup>Drunkards and other disorderly persons.</sup>
13. To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the costs of keeping and impounding: <sup>Pounds and running at large of animals.</sup>
14. To regulate and prevent the running at large of dogs, <sup>Dogs.</sup> to impose taxes on the owners of dogs, and to prevent dog fights in the streets:
15. To prohibit any person from bringing and depositing within the limits of said city, any dead carcass or other unwholesome or offensive substances; and to require the removal or destruction thereof, if any person shall have on his premises such substances, or any putrid meat, fish, hides or skins of any kind, and on his default, to authorize the removal or destruction thereof by some officer of the city: <sup>Removing of putrid substances.</sup>
16. To compel all persons to keep side-walks in front of <sup>Clearing side-walks.</sup> premises owned or occupied by them, clear from snow, dirt, wood or obstructions:
17. To regulate the ringing of bells, and the crying of goods and other commodities for sale at auction, or otherwise; and to prevent disturbing noises in the streets: <sup>Ringing of bells.</sup> <sup>Noises in the streets.</sup>
18. To prescribe the powers and duties of watchmen, <sup>Regulate watchmen.</sup> and the fines and penalties for their delinquencies:
19. To regulate and establish the line upon which buildings may be erected upon any street, lane or alley in said city, and to compel such buildings to be erected upon such line, by fine upon the owner or builder thereof, not to exceed five hundred dollars: <sup>Building regulations.</sup>

- ~~Burying the dead.~~ 20. To regulate the burial of the dead, and to compel the keeping and return of bills of mortality:
- ~~Markets.~~ 21. To establish, order and regulate the markets, to regulate the vending of wood, meats, vegetables, fruit, fish and provisions of all kinds, and prescribe the time and place for selling the same, and the fees to be paid by butchers for license: *Provided*, That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter within the limits of the city:
- ~~Water.~~ 22. To establish, regulate and preserve public reservoirs, wells and pumps, and to prevent the waste of water;
- ~~Sextons, carmen, carts, &c.~~ 23. To regulate sextons and undertakers for burying the dead, carmen and their carts, hackney carriages and their drivers, omnibuses and their drivers, scavengers, porters and chimney sweeps, and their fees and compensation, and the fees to be paid by them into the city treasury for license;
- ~~Prevent so-called for passengers, &c.~~ 24. To prevent runners, stage drivers and others, from soliciting passengers and others to travel or ride in any stage, omnibus, or upon any railroad, or to go to any hotel or otherwheres:
- ~~Lights and lamps.~~ 25. Concerning the lighting of the streets and alleys, and the protection and safety of public lamps:
- ~~Hawking & peddling.~~ 26. To regulate and restrain hawking and peddling in the streets, and to regulate pawn brokers:
- ~~Prescribe duties of appointed officers.~~ 27. To prescribe the duties of all officers appointed by the common council, and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law:
- ~~Streams, low grounds, &c.~~ 28. To preserve the salubrity of the waters of Huron river, or other streams within the limits of the said city;

to fill up all low grounds or lots covered or partially covered with water, or to drain the same as they may deem expedient:

29. To prescribe and designate the stands for carriages <sup>Stands for carts.</sup> of all kinds which carry persons for hire, and for carts and carters, and to prescribe the rates of fare and charges, and <sup>Rates of fare, &c.</sup> the stand or stands for wood, hay and produce exposed for sale in said city.

Sec. 46. The common council may ascertain, establish <sup>Boundaries of streets.</sup> and settle the boundaries of all streets and alleys in the said city, and prevent and remove all encroachments thereon, and exercise all other powers conferred on them by this act, in relation to highways, common and other schools, the prevention of fires, the levying of taxes, the <sup>Powers and duties of common council.</sup> supplying of the city with water, and all other subjects of municipal regulation not herein expressly provided.

Sec. 47. The common council shall also have power by ordinance or otherwise, to require the owners or occupants of any mill race within the said city, to cover the same <sup>Owners of mill races may be required to cover the same.</sup> with bridges or arches, to be constructed with such materials as the common council shall direct; or they may direct the same to be covered in the same manner that other public improvements are directed to be made.

Sec. 48. Whenever the owner or occupant of any mill race shall refuse or neglect within such time as the common council shall have appointed, to cover such mill race in the manner and with the materials by them directed, it shall be lawful for the common council to cause the same to be done at the expense of the city, and to recover the expenses thereof, with damages at the rate of ten per cent., with costs of suit, from such owner or occupant.

Sec. 49. Where, by the provisions of this act, the common council have authority to pass ordinances on any subject, they may prescribe a penalty not exceeding one hundred dollars, (unless the imposition of a greater penalty <sup>May impose penalties.</sup>)

be herein otherwise provided,) for a violation thereof, and may provide that the offender, on failing to pay the penalty imposed, shall be imprisoned in the county jail of Washtenaw county, for any term not exceeding ninety days, which penalties may be sued for and recovered, with costs, in the name of the city of Ypsilanti.

Ordinances  
imposing  
penalties;  
when to  
take effect.

Sec. 50. No ordinance of the common council imposing a penalty shall take effect until after the expiration of at least three days after the first publication thereof in a newspaper published in said city.

Modes of in-  
troducing  
ordinances  
as evidence

Sec. 51. A record or entry made by the clerk of the said city, or a copy of such record or entry duly certified by him, shall be prima facie evidence of the time of such first publication; and all laws, regulations and ordinances of the common council may be read in evidence in all courts of justice, and in all proceedings before any officer, body or board in which it shall be necessary to refer thereto; either,

1. From a copy certified by the clerk of the city, with the seal of the city of Ypsilanti affixed, or,
2. From the volume of ordinances printed by authority of the common council.

Modes of pub-  
lication of  
ordinances,  
&c.

Sec. 52. Whenever the common council are required by law to make publication of any notices, ordinances, or resolutions or proceedings, in one or more newspapers of said city, it shall be deemed sufficient to publish the same in any daily or weekly newspaper published in said city.

Cemeteries.

Sec. 53. The common council shall have power to purchase and to hold a suitable lot or lots of land, within or without the corporation limits, for the purpose of a city cemetery or cemeteries; and they shall make such rules and regulations regarding the same as they may deem necessary; and may cause the same to be surveyed into suitable lots, and may dispose of the same to purchasers, and thereupon cause to be executed to such purchaser a good

and sufficient deed, in the corporate name of said city which deed shall be signed by the mayor and clerk.

Sec. 54. The commissioners of the city cemetery, and <sup>Board of superintendents of city cemetery.</sup> the auditor, shall constitute a board of superintendents of the city cemetery, and the auditor shall be the treasurer of said board.

Sec. 55. The common council shall have power to purchase a Potter's field, within or without the city limits, for the burial of <sup>Burial of city poor.</sup> the city poor; and may make such rules and regulations concerning the same as they may deem necessary.

Sec. 56. The common council shall have power, whenever, in their opinion, the necessities of the city require, to construct a city watch house, city hall, and city market or markets, and to appoint the keepers, clerks, and necessary officers thereof, and may locate such city watch house, city hall, and city market or markets, within or without the city limits, and may make such regulations concerning the same as the common council may think proper.

Sec. 57. 1. The common council shall have and exercise in and over said city the same powers in relation to the regulation of taverns, groceries, common victuallers, saloon keepers and others, as are now or may hereafter be conferred by the general laws of this State upon township boards, or upon the corporate authorities of cities and villages in relation to tavern keepers and common victuallers, and subject to the same conditions and limitations; and the general laws of this State now in force, or which may hereafter be enacted, in relation to the regulation of taverns, groceries and common victuallers, shall be deemed applicable to this city, unless otherwise limited.

<sup>Council to have the same powers as township boards in certain cases.</sup>

2. No person shall engage in or exercise the business or occupation of tavern keeper, inn holder, common victualler, or saloon keeper, within the limits of said city, until he is first licensed as such by the common council; and

<sup>Prohibition to taverns &c., without license.</sup>

Penalties for violation. any person who shall assume to exercise such business or occupation, without having first obtained such license, shall forfeit and pay, for every day he shall so exercise such occupation or business, the sum of two dollars, to be recovered by action of debt in the name of the city of Ypsilanti, before any justice of the peace of said city, together with the costs of prosecution.

Licenses granted by common council. 3. The common council shall have power to grant licenses to authorize persons to exercise the business of tavern keeper, inn holder, common victualler, or saloon keeper, within said city, and may impose such fees to be paid into the city treasury, on the granting of such license, as they may see fit.

Sealer of weights and measures. Sec. 58. The city clerk shall be the sealer of weights and measures of the said city, and shall perform all the duties of township clerk, so far as the same applies to the sealing of weights and measures; [and the laws of this State relating to the sealing of weights and measures].shall apply to the said city.

Annual settlement with city treasurer. Sec. 59. On the last Tuesday in the month of April, in each year, the common council shall audit and settle the accounts of the city treasurer, and the accounts of all other officers and persons having claims against the city or accounts with it; and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year; in which statement shall be clearly and distinctly specified the several items of expenditure made by the common council, the objects and purposes for which the same were made, and the amount of money expended under each; the amount of taxes raised for the general contingent expenses; the amount raised for lighting and watching the city; the amount of highway taxes and assessments; the amount of assessments for opening, paving, planking, repairing, and altering streets, and building and repairing bridges; the amount borrowed on the

Bills to be stated.

credit of the city, and the terms on which the same was obtained; and such other information as shall be necessary to a full understanding of the financial concerns of the city.

Sec. 60. The said statement shall be signed by the <sup>Statement  
by whom  
signed, &c.</sup> mayor and clerk, and filed with the papers of the city; and the same shall be published by the clerk, at the expense of the city, in some newspaper thereof, to be designated by the common council, previous to the first day of May thereafter.

Sec. 61. It shall be the duty of the mayor to take care <sup>General du-  
ties of may-  
or.</sup> that the laws of the State, and the ordinances of the common council be faithfully executed; to exercise a constant supervision and control over the conduct of all subordinate officers, and to receive and examine into all complaints against them for neglect of duty; to recommend to the common council such measures as he shall deem expedient, to expedite such as shall be resolved upon by them, and, in general, to maintain the peace and good order, and advance the prosperity of the city.

Sec. 62. All official bonds of said city shall be deposited <sup>Official  
bonds.</sup> with the clerk of the city for safe keeping, and it shall be his duty to deliver the same to his successor in office.

Sec. 63. It shall be the duty of every alderman in said <sup>Duties of al-  
dermen.</sup> city to attend the regular and special meetings of the common council; to act upon committees when thereunto appointed by the mayor or common council; to order the arrest of all persons violating the laws of this State, or the ordinances, by-laws or police regulations; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; to maintain peace and good order, and to perform all other duties required of them by this act.

Sec. 64. The mayor and aldermen, by virtue of their respective offices, shall be conservators of the public peace,

~~Mayor, recorder and aldermen to be conservators of public peace.~~ and as such shall each have and exercise all the power and authority of justices of the peace in criminal cases, and in enforcing the laws of this State relating to the police thereof, but shall have no jurisdiction of civil cases, other than such as by this act shall be expressly conferred upon them, or either of them.

~~All accounts against city to be verified by affidavit.~~ Sec. 65. The accounts and demands all of persons against the city, shall be verified by affidavit, and shall set forth the items thereof in detail, which affidavits may be taken and certified by any member of said common council.

~~Duties of clerk.~~ Sec. 66. The clerk shall keep the corporate seal, and all the papers and files belonging to said city as a corporation, not properly by this act in the custody of some other officer thereof, and shall make a record of the proceedings of the common council, whose meetings it shall be his duty to attend, and copies of all papers duly filed in his office and transcripts from the records of the proceedings of the common council, certified to by him under the corporate seal, shall be evidence in all places, when produced, of the matters therein contained; he shall countersign all licences granted for any purpose whatever by the mayor or common council, and shall enter in an appropriate book the name of every person to whom a license shall be granted, and the number of such license, and the date thereof, and the time during which it is to be continued in force, and the sum paid for such license. No license for any purpose granted shall be valid until thus countersigned by the clerk.

~~Clerk to publish ordinances.~~ Sec. 67. The clerk shall publish at least one week in a newspaper printed in the city, all the ordinances of the common council, for the violation of which any penalty may be imposed, and all votes, ordinances and resolutions, directing the payment of money, shall be published at least once in like manner, within eight days after the passage of

such vote, ordinance or resolution; he shall also perform such other duties as this act shall direct, or which may be directed by ordinance of the common council.

Sec. 68. The treasurer shall receive all moneys belonging to the city, and shall deposit and keep the same as directed by the common council, and shall keep an account of all receipts and expenditures in such manner as the common council shall direct; all moneys drawn from the treasury shall be drawn in pursuance of an order of the common council, by warrant signed by the clerk, and countersigned by the auditor; such warrant shall specify for what purpose the amount named therein is to be paid; and the clerk shall keep an accurate account, under appropriate heads, of all expenditures, of all orders drawn upon the treasury, in a check book to be kept by him for that purpose; the books and accounts of the treasurer shall, at reasonable hours, be open to the inspection of any elector of said city; the treasurer shall exhibit to the common council, at the last regular meeting in the month of April, a full and fair account of the receipts and expenditures after the date of his or the last annual report, and also the state of the treasury, which account shall be referred to a committee for examination, and if found to be correct shall be filed.

Sec. 69. The attorney or counsellor of the city shall perform such duties and exercise such powers as shall be assigned to him by the common council, by an ordinance duly enacted.

Sec. 70. The city marshal shall be superintendent of the city, and it shall be his duty to superintend, under the general direction of the common council, all work to be done or performed, ordered or required to be done or performed upon or in relation to any of the public streets, walks, bridges, sewers or public pumps, reservoirs or grounds of said city; and to perform such other duties as by this act

Treasurer  
to receive  
and keep  
moneys.

How money  
is to be  
drawn from  
the treasury

Duties of at-  
torney and  
counsellor.

Duties of  
marshal.

or the ordinances or resolutions of the common council shall be required.

*Oaths of office of justices of the peace.* Sec. 71. The justices of the peace of said city shall file their oaths of office in the office of the clerk of the county of Washtenaw, and shall have, in addition to the jurisdiction conferred by this act on them, the same jurisdiction, powers and duties conferred on justices of the peace in townships.

*Jurisdiction* *Proviso.* *And provided further,* That all actions within the jurisdiction of justices of the peace, may be commenced and prosecuted in said justices' courts when the plaintiff or defendant or one of the plaintiffs or defendants reside in the township next adjoining the township of Ypsilanti.

*Duties of justices.* Sec. 72. It shall be the duty of the justices of the peace of said city to keep their offices in said city, and attend to all complaints of a criminal nature which may properly come before them, and they shall receive for their services when engaged in cases for the violation of the ordinances of said city, such fees as the common council shall by ordinance prescribe.

*Penalties & forfeitures to be paid into city treasury.* Sec. 73. All fines, penalties or forfeitures, recovered before any of said justices, for violation of any city ordinance, shall, when collected, be paid into the city treasury and each of said justices shall report on oath to the common council, at the first regular meeting thereof, in each month during the term for which he shall perform the duties of such justice, the number and name of every person against whom judgment shall have been rendered for such fine, penalty or forfeiture, and all moneys by him received for or on account thereof, which moneys, so received, or which may be in his hands, collected on such fine, penalty or forfeiture, shall be paid into the said city treasury on the first Monday of each and every month during the time such justice shall exercise the duties of said office;

*Report of justices.*

and for any neglect in this particular, he may be suspended or removed, as hereinafter provided.

Sec. 74. In addition to the security now required by law <sup>Justices to execute bond to city.</sup> to be given by justices of the peace, [each of the justices of the peace] shall, before entering upon the duties of his office, execute a bond to the city of Ypsilanti, with one or more sufficient sureties, to be approved by the mayor or recorder of said city; which approval shall be endorsed on said bond, in the penalty of one thousand dollars, conditioned for the faithful performance of his duties as a police justice of said city, and to pay over the moneys so collected, and make his report as in this act required; which bond shall be filed in the office of the treasurer of said city.

Sec. 75. It shall be the duty of each justice of the peace, <sup>Justice to render account to common council.</sup> at the first regular meeting of the common council in each of the months of August, November, February and May, in every year, to account on oath, before the common council, for all such moneys, goods, wares and merchandise, seized as stolen property, as shall then remain unclaimed in the offices of either of said justices of the peace, and immediately thereafter to give notice, for four weeks, in one of the public newspapers printed in the said city, to all persons interested or claiming such property: *Provided,* <sup>Proviso.</sup> *always,* That if any goods, wares, merchandise, or chattels of a perishable nature, or which shall be expensive to keep, shall at any time remain unclaimed in the offices of either of said justices, it shall be lawful for such justice to sell the same at public auction, at such time, and after such notice, as to him and the said common council shall seem proper.

Sec. 76. It shall be the duty of each of the justices of the peace aforesaid, who may recover or obtain possession <sup>Duty of justice in relation to stolen property.</sup> of any stolen property, on his receiving satisfactory proof of property from the owner, to deliver such property to the owner thereof, on his paying all necessary and reason-

able expenses, which may have been incurred in the recovering, preservation or sustenance of such property, and the expenses of advertising the same.

*Sale of un-claimed property.* Sec. 77. It shall be the duty of each of the justices of the peace aforesaid to cause all property unclaimed after the expiration of the notice specified in the last preceding section but one of this act, money excepted, to be sold at public auction to the highest bidder, unless the prosecuting attorney of the county of Washtenaw shall direct that it shall remain unsold for a longer period, to be used as evidence in the administration of justice, and the proceeds thereof forthwith to pay to the treasurer of the said city, together with all money, if any, which shall remain in his hands after such notice as aforesaid, first deducting the charges of said notice of sale.

*Fees of constables.*  
*Powers and duties* Sec. 78. The constables of said city shall have and receive the same fees, and have the like powers and authority in matters of civil and criminal nature, as is conferred by law upon constables in the several towns of this State, and shall, if required by the common council, give like security.

*Duties of constables.* Sec. 79. The city constables shall obey the orders of the mayor and aldermen, or of any person legally exercising the criminal jurisdiction of a justice of the peace in said city, in enforcing the laws of the State or the ordinances of said city, and in case of refusal or neglect so to do, he or they shall be subject to a penalty of not less than one nor more than twenty-five dollars.

*Expenses in criminal cases, how paid.* Sec. 80. The expenses of apprehending, examining and committing offenders against any law of this State, in the said city, and of their confinement, shall be audited, allowed and paid by the supervisors of the county of Washtenaw, in the same manner as if such expenses had been incurred in any town of the said county.

Sec. 81. The city auditor, previous to entering upon the

duties of his office, shall take and subscribe an oath for the faithful performance of the same, and he shall also enter into a bond in such sum and with such sureties as the common council shall fix and approve in writing endorsed thereon, which bond shall be filed with the city clerk. Said auditor shall countersign all orders for the payment of money out of the city treasury, and shall perform such other duties as the common council shall by ordinance prescribe, and such other duties as are prescribed in this act.

City auditor  
to take oath  
and give  
bond.

Sec. 82. The superintendents of the city cemetery or cemeteries shall have care of the city cemetery or cemeteries, and all the grounds and other property belonging thereto, subject to the ordinances and direction of the common council; they shall make such improvements upon the property as they shall think expedient, but shall not expend in any one year more than one hundred dollars, without the consent of the common council previously obtained, and they shall receive no pecuniary compensation for their services; and said superintendents shall report quarterly to the common council the amount expended by them in the improvement of said property.

Duties of su-  
perinten-  
dents of city  
cemetery.

Sec. 83. The auditor shall, as treasurer of the board of superintendents, receive all moneys for lots which shall be sold in said city cemetery or cemeteries, and also all penalties collected for violation of city ordinances in relation to such cemetery or cemeteries, and shall pay, upon resolution of the board, for improvements made upon the grounds of the said cemetery or cemeteries, and also the incidental expenses of the board, where the accounts for said incidental expenses shall have been audited and allowed by the common council.

To receive  
moneys for  
cemetery  
lots.

Sec. 84. The auditor shall pay over to the city treasurer all moneys which shall come into his hands as treasurer of the board of superintendents of the city cemetery, which are not by this act appropriated.

Annual re-  
port of su-  
perinten-  
dents.

Sec. 85. It shall be the duty of said board of superintendents to publish an annual report in relation to the matters committed to their charge, in one of the newspapers printed in said city, between the first and fifteenth days of February in each year.

School in-  
spectors and  
poor direc-  
tors.

Sec. 86. The school inspectors and directors of the poor shall continue to perform such duties as are required of them by law.

Duties of  
certain oth-  
er officers.

Sec. 87. The health physician, fire wardens, common criers, pound master, inspectors of fire wood and weigh masters, shall perform such duties, and if required, shall file such securities as the common council shall by ordinance direct.

Common  
council to  
fix salaries  
of officers.

Sec. 88. The common council shall annually determine the salary or compensation to be paid to the several officers of said city, within the limitations hereinafter prescribed, and which shall be as follows, to-wit: to the city clerk, in addition to his fees and perquisites prescribed by law, a sum not exceeding one hundred dollars per annum; to the city treasurer, a sum not exceeding one hundred dollars per annum; to the city marshal, as superintendent of streets and highways, a sum not exceeding one dollar and fifty cents per day, and at that rate for any part of a day, for every day by him actually spent in the performance of such duties; to each alderman of said city [as such] a sum not exceeding one dollar per annum; to the city auditor, a sum not exceeding one hundred dollars; to the city attorney, a sum not exceeding two hundred dollars per annum; and they may also establish the fee or salary to be paid to all other officers appointed by them, whose fees are not prescribed by law, and whose compensation for services is required to be paid from the city treasury.

Common  
council to  
audit ac-  
counts.

Sec. 89. The common council shall examine, settle, and allow all accounts and demands properly chargeable against said city, as well of its officers as other persons, and

shall have authority to provide means for the payment of the same, and for defraying the contingent expenses of the said city, subject only to the limitations and restrictions in this act contained.

Sec. 90. For the purpose of defraying the expenses and all liabilities incurred by said city, and paying the same, <sup>Power of common council to levy taxes.</sup> the common council may raise annually, by tax levied upon the real and personal property within said city, such sum as they may deem necessary, not exceeding one half of one per cent. on the valuation of such real and personal estate within the limits of said city, according to the valuation thereof, taken from the assessment roll of the year preceding the levying of such tax, and the sum or sums so to be raised shall be apportioned between the several wards of said city, in the manner in this act provided.

Sec. 91. The treasurer of said city shall collect all taxes <sup>Treasurer to collect taxes.</sup> levied or assessed in said city, and for that purpose, such treasurer shall give bond to said city, in such sum and <sup>To give bond.</sup> with such surety or sureties as the common council shall require and approve; and such treasurer shall also give to the treasurer of the county of Washtenaw such further security as is or may hereafter be required by law of the several township treasurers of the several townships of this State; and for the purposes of the collection and return of all such taxes, and the return of property delinquent for the non-payment of taxes, the said treasurer, on giving the bonds or surety so required, shall possess all the powers, and perform all the duties, of the several township treasurers of this State, as prescribed by law, and shall also perform such other duties, respecting the collection and return of taxes, as this act imposes.

Sec. 92. The supervisor shall represent the city in <sup>Supervisor.</sup> the board of supervisors of the county, and shall be entitled to all the rights, privileges and powers, and shall be subject to all the obligations of supervisors of townships.

*His powers  
and duties.*

*Province.*

Sec. 93. The supervisor of said city shall complete the tax roll and deliver the same, with his warrant thereto attached, to the treasurer, within the time prescribed by law for the completion and delivery of the township tax rolls to the respective township treasurers of this State: *Provided*, Security has been given by such treasurer, as required by law, or in this act provided; but if such security shall not have been given by such treasurer, in the manner and within the time required, the common council shall immediately appoint some suitable person, who will give the requisite security, to collect such tax roll; and the person so appointed shall thereupon be entitled to receive said tax roll, and shall collect and pay over such taxes, and make return of his doings thereon, in the same manner, and shall have all the powers, and shall perform all the duties, and shall be subject to the same liabilities, in this act conferred upon the treasurer, for the purpose of the collection and return and paying over such taxes.

*For percentage  
for collect-  
ing taxes.*

Sec. 94. For the collection of all such taxes, the treasurer, or other person appointed to collect the same, shall be entitled to receive such percentage as shall be prescribed by the common council by ordinance, not exceeding two per cent. upon the sum to be collected; which sum shall be added in the computation of the taxes on said tax rolls of the respective wards of said city.

*Supervisors  
to make as-  
sessment  
rolls.*

Sec. 95. The supervisor of said city, shall, in each and every year, make and complete the assessment of all the real and personal property within each ward of said city, separately, in the same manner and within the same time as required by law for the assessment of property in the several townships of this State, and in so doing shall conform to the provisions of law governing the action of the supervisors of the several townships of this State, performing like services; and in all other respects, within said city shall, unless when otherwise in this act provided, con-

form to the provisions of law governing the action of supervisors in the several townships of this State, in the assessment of property, the levying of taxes, and the issuing of warrants for the collection and return thereof; and shall, also, in each year, within thirty days after the time required by law for completing the assessment rolls in the several townships of this State, make and file with the city clerk of said city, a true and certified copy of the assessment roll for such year, and such city clerk shall receive and file the same in his office.

To file copies  
with city  
clerk.

Sec. 96, It shall be the duty of the common council of said city, on or before the last Saturday preceding the first day of October in each year, to determine by resolution the amount necessary to be raised by tax for city purposes within said city for such year; and it shall be the duty of the city clerk to certify the amount so to be raised, to the supervisor of said city, on or before the first Monday in October in each year; and it is hereby made the duty of the supervisor to apportion the same so to be raised among the several wards of said city, according to the valuation of the property appearing upon the assessment roll of said several wards for such year; as equalized by the board of supervisors for such year; and also to notify each of the aldermen of the several wards of said city, of the amount so apportioned to their respective wards, within five days after the board of supervisors of said county of Washtenaw shall have completed the equalization of the valuation of the property in the said city and said townships of said county for such year; and it is hereby made the duty of the supervisor of said city, to levy the sum so apportioned, and such other taxes as may be required by law, upon the taxable property of such ward in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State.

Duties of  
common  
council as to  
amount to  
be raised by  
tax.

Duties of  
city clerk.

Apportion-  
ment made  
by supervi-  
sor.

Notice to al-  
dermen.

~~Aldermen to report sum to common council.~~ Sec. 97. Within five days after the aldermen of each ward shall have been notified, as directed in the last preceding section, of the amount of general tax to be raised in their respective wards, they shall report to the common council and supervisor the sum required to be raised in their several wards, for local improvements, and such sum shall be levied and assessed by the supervisor upon the taxable property of such ward, in addition to the general tax; ~~Amount to be assessed by supervisor.~~ shall be collected by the treasurer and expended by the ~~treasurer.~~ the city marshal, under the direction of the common council, for the local improvements in such ward for which it was so raised.

~~Taxes to be a lien.~~ Sec. 98. The taxes so levied for city purposes shall be and remain a lien upon the property on which the same was levied in the same cases, to the same extent, and in like manner as taxes required by law to be levied on property in the several townships of this State, are liens upon such property, and all provisions of law respecting the return and sale of property for the non-payment of taxes for State, county and township purposes, shall apply to the return and sale of property for the non-payment of such city taxes, except as herein otherwise provided.

~~Net proceeds of sales to be paid by Co. treasurer to city treasurer.~~ Sec. 99. The net proceeds of the sales of all property delinquent for non-payment of city taxes, shall be paid to the treasurer of said city by the treasurer of the county of Washtenaw, whenever required by the city treasurer, and the net proceeds of all sums paid to the treasurer of the county of Washtenaw, before sale on account of property within said city returned delinquent for non-payment of city taxes, shall in like manner be paid to said city treasurer.

~~Common council may borrow no. to improve cemetery.~~ Sec. 100. For the purchase and improvement of a city cemetery or cemeteries, the common council may borrow on the faith of the city, a sum not exceeding three thousand dollars, for a term not exceeding twenty years, at a rate of interest not exceeding seven per cent. per annum,

payable annually, and for that purpose may issue the <sup>May issue bonds.</sup> bonds of the city, signed by the mayor and clerk, and countersigned by the auditor, and in such form and in such sums (not exceeding in the aggregate the said sum of three thousand dollars,) as the said common council shall direct, and such bonds shall be disposed of under the direction of the common council of said city, upon such terms as they shall deem advisable, but not for less than their par value, and the avails shall be applied in the purchase and improvement of a city cemetery or cemeteries, and the necessary appurtenances, and for no other purpose whatsoever.

Sec. 101. It shall not be lawful for the common council (except as herein otherwise provided) to borrow any money or authorize the creation of any liability or indebtedness against said city in any one year exceeding in the aggregate the amount which by this act may be raised by tax for such year, and in case any sum or sums of money shall be borrowed by said common council in any one year, or the said common council, or any officer thereof, shall enter into any contract or contracts for the payment of money binding upon said city, the same shall be paid out of the sums raised by tax for such year, if the payment thereof is not otherwise provided, and all sums of money borrowed by said city shall be applied to the purposes for which the same was borrowed, and for no other purpose whatsoever, but nothing in this act contained shall be construed to prohibit said common council from making assessments and levying and collecting taxes for the purpose of local improvements.

Limitation  
of powers  
of common  
council in  
borrowing  
money, &c.

Sec. 102. All sums of money directed to be raised by the common council, except as in this act otherwise provided, shall be assessed upon all the real and personal estate in the said city, according to the valuation of the same as from the valuation thereof by the last preceding assesse-

Money di-  
rected to be  
assessed up-  
on property.

ment roll filed in the office of the city clerk; but no real or personal property which shall be exempt from taxation by the general laws of this State, nor any public square, park, or other public ground, shall be assessed for the ordinary city or county taxes.

Common council to create sinking fund.

Sec. 103. Whenever by the provisions of this act the common council shall be authorized to issue city bonds for the payment of any sum or sums of money, the said common council shall thereupon have the power to create a sinking fund for the payment of the interest as it falls due, and the extinguishment of the principal at the expiration of the time limited for the payment thereof, which fund shall be raised by a direct tax, which shall not exceed in any one year one mill on the dollar on the valuation of the real and personal property within said city, and which shall be levied and collected in the same manner as the ordinary city taxes of said city are levied and collected, and when so collected the same shall be applied to the credit of said sinking fund, for the purpose of paying off the principal and interest of the debt so created as the same becomes due.

Money not to be drawn from treasury unless appropriated.

No. 104. No money shall be drawn from the city treasury unless it shall have been previously appropriated to the purpose for which it shall be drawn; and all ordinances, resolutions and orders directing the payment of money, shall specify the object and purposes of such payment, which shall be certified by the clerk, and countersigned by the auditor, before the same shall be paid by the treasurer.

Treasurer to make monthly reports to common council.

Sec. 105. The treasurer shall, at the first regular meeting of the common council in each month, make report of the finances of said city, showing what appropriations and payments have been made out of each of the several funds of said city since his last preceding report, and of the state of each of said funds.

Sec. 106. The common council of the city of Ypsilanti shall have full power to lay out, establish, open, extend, widen, straighten, alter, close, fill in or grade, vacate or abolish any highways, streets, avenues, lanes, alleys, public grounds or spaces in said city, whenever they shall deem it a necessary public improvement, and private property may be taken therefor; but the necessity for using such property, the just compensation to be made for the same, and the damages arising to any person from the making of said improvements, shall be ascertained by a jury of twelve freeholders residing in said city.

Sec. 107. Whenever the common council shall deem any such improvements necessary, they shall so declare by resolution, which shall be drawn by the attorney of the corporation, and in said resolution shall describe the contemplated improvement; and if they intend to take private property therefor, they shall declare such intention and describe such property in said resolution with particularity sufficient for an ordinary conveyance thereof, and further declare that they will, on some day to be named in said resolution, apply to any justice's court of said city, for the drawing of a jury to ascertain the necessity for using the property intended to be taken, if it be intended to take any for such improvement, to ascertain the just damages and compensation which any person may be entitled to if such intended improvement be made, and to apportion and assess such damages and compensation to and upon all lots, premises and sub-divisions thereof which will be benefited by such improvement, and the time to be named for applying to said court shall be on a day subsequent to the required publication of said resolution.

Sec. 108. The common council shall give notice of the intended improvement, and of the intended application to said court, by causing a copy of said resolution, certified by the clerk of the city, to be published for four successive

*Notice, how weeks in some newspaper published in said city, and the given.* marshal shall also give notice of said resolution by delivering a notice thereof, with a copy of the same annexed, to the owner or owners of any private property intended to be taken, if they can be found in said city, which notice shall be directed to them; or if they cannot be found in said city, by leaving the same at their place of residence in said city with some person of proper age; if they or their place of residence cannot be found, and such property be occupied, said notice and copy of said resolution shall be served by delivering the same to the occupant or occupants, or by leaving the same at their place of residence within said city with some person of proper age; but if the owner or owners of such property, or their place of residence cannot be found, and it be not occupied, or, if it be occupied, but they, their place of residence and that of the occupant or occupants, cannot be found, or if the owner or owners, occupant or occupants, cannot be found, or if the owner or owners, occupant or occupants, be unknown or non-residents of said city, then, in either of such cases, notice of said resolution may be given by posting the same, with a copy of said resolution, in some conspicuous place upon the

*Marshal to make return of service.* property intended to be taken; the marshal shall give notice of said resolution as above directed, and make return of his doings and of the manner of giving said notice as soon as practicable after the passage thereof, which return shall be made to the said court at least six days before the day appointed in said resolution for the hearing of said application, and all persons interested therein, after notice given in the manner aforesaid, shall take notice of and be bound by all subsequent proceedings without any further notices except as herein otherwise provided.

*Duties of clerk.*

Sec. 109. The clerk of said city shall deliver to the attorney of the corporation a certified copy of said resolution of the common council, whose duty it shall be to ap-

pear in said court and make the application therein referred to, and conduct all further proceedings thereon in behalf of the common council.

Sec. 110. Upon the day designated in said resolution, or <sup>Jury.</sup> on some other day to be appointed by the court, and on filing a copy of said resolution and an affidavit showing the required publication thereof, the marshal shall attend said court and write down the names of twenty-four disinterested freeholders residing in said city, and who shall be approved by the court as such disinterested freeholders and residents, and qualified to serve.

Sec. 111. Said court shall then issue a summons com<sup>m</sup>manding the marshal to summons said twenty-four persons to be and appear in said court to serve as jurors, on some day to be named therein, which shall not be less than seven days after the issuing thereof; the marshal shall serve <sup>Summons to</sup> <sup>jurors.</sup> such summons at least three days before the return day thereof, and make return in the same manner as in the case of an ordinary venire for jurors for said court; and the persons thus summoned shall be bound to attend said court and serve until discharged, and said court shall impose upon <sup>Service.</sup> <sup>Fine.</sup> them a fine not exceeding five dollars for each day's non-attendance in court or neglect to serve; but they may be exempted and excused by the court from serving for the same reasons for which jurors in the circuit court may be exempted or excused.

Sec. 112. The names of the jurors in attendance and who do not claim to be exempted or excused from serving, shall then be written by the clerk of the court on separate slips of paper of equal size and appearance, as near as practicable, and be deposited by him in a box having a lid or cover; he shall then shake said box so as thoroughly to mix said slips of paper, and shall then draw impartially, openly, and in the presence of the court, so many of the slips of paper

or ballots containing names written thereon, one after another, as shall be sufficient to form a jury.

*Deficiency,  
how made  
up.* Sec. 113. If, in consequence of jurors being exempted, excused or set aside, there shall not be in the box any slips or ballots, or not a sufficient number of ballots from which to draw the jury, the marshal [shall] forthwith, under the order of the court, summons such number of persons as the court shall deem necessary, and may order them to be and appear in said court to serve as jurors, and the persons thus summoned shall be returned, be bound to attend said court and serve, and be competent to form the jury in the same manner and to the same effect as those first summoned.

*First 12 per-  
sons to con-  
stitute jury.* Sec. 114. The first twelve persons who shall appear as their names are drawn and called by the clerk, or who are called by him when all the ballots have been drawn from the jury box, and shall be approved by the court as qualified, shall be the jury, and shall be sworn to discharge the duties imposed on them by this title, faithfully, impartially, and according to the best of their abilities; said court shall then instruct said jury as to their duties and the law applicable to the case, and deliver to them a copy of the resolution of the common council as filed in said court, certified by the clerk thereof.

*Jury to view* Sec. 115. Each of said jurors shall go to the place of the intended improvement, and upon or as near as practicable to any property intended to be taken and described in said resolution, or as the case may be, which will be damaged or benefitted if the intended improvement be made.

*Jury to as-  
certain  
necessity for  
taking prop-  
erty & as-  
sess dam-  
ges.* Sec. 116. Said jury shall then ascertain the necessity for using the property intended to be taken, if it be intended to take any for such improvement, the just damages and compensation to be paid to the owner or owners of any property intended to be taken for or that may be damaged by the intended improvement, and award to the owner or

owners thereof such damages and compensation as they shall deem just. If such property shall be subject to a valid mortgage, lease, lien, levy or agreement, or to either, then said jury shall apportion and award to the owner or owners of such property, the parties in interest to such mortgage, lease, lien, levy or agreement, or to either of them, such portion of the damage and compensation as they shall deem just.

Sec. 117. Said jury shall apportion and assess the total damages and compensation to be paid in any case to and upon all lots of land, premises, or subdivisions thereof, which will be benefitted if the intended improvement be made, apportioning and assessing to and upon each, such portion of said total damages and compensation as they shall deem just: *Provided, however,* That if the total damages and compensation to be awarded to any person or persons as above shall exceed the total benefits to be apportioned to and assessed upon any property for the benefit of such property will receive, then such excess shall be apportioned and assessed to the city of Ypsilanti.

Sec. 118. Said jury shall then make in writing, and each shall sign, a report to said court of their doings, enclose the same in a sealed envelope, and file it in said court, within thirty days after they were sworn.

Sec. 119. Said jury shall state in their report the just damages and compensation ascertained and awarded by them to the owner of any private property, or to any person claiming an interest therein by virtue of any mortgage, lease, lien, levy, or agreement, or either, to which such property may be subject, together with the name of such owner or claimant, if known, and a description of the property intended to be taken. In case any damage and compensation be awarded to any person claiming an interest in such property by virtue of any valid mortgage, lease, lien, levy, or agreement, or either, to which such

Apportion  
damages in  
case of in-  
cumbrance.

Jury to as-  
sess total  
damages.

Jury to  
make re-  
port.

Contents of  
report.

property may be subject, it shall be sufficient to state further, in such case, the name of such interested party, the date of such mortgage, lease, lien, levy, or agreement, or assignment thereof, if there be any, by virtue of which such interested party has an interest in the property intended to be taken.

b. Sec. 120. Said jury shall also state in their report what portions in amount of the total ascertained damages and compensation they have apportioned to and assessed upon any lot, premises, or subdivision thereof, which will be benefited by the intended improvement, together with the names of the owners thereof, if known, and a description of the same, and also what portion, if any, of the ascertained damages and compensation they have apportioned and assessed to the city of Ypsilanti, in the case above provided for.

*Confirmation of report;*  
Sec. 121. Said report may be confirmed by said court at any time when said court may be regularly in session; and the said court shall appoint some day when it will consider said report, and objections against the confirmation thereof on the part of all persons interested therein, whereof the city attorney shall give notice by publishing the same in some newspaper published in said city for one week, and he shall file in said court an affidavit of such publication before the time appointed for considering said report; said objection shall be filed with the clerk in writing, but may be argued, and the consideration of said report and objections may be adjourned from time to time until said report be confirmed or otherwise disposed of, as herein provided.  
*Objections when heard.*

*Objections to be filed.*

*What may be enquired into.*  
Sec. 122. Said report shall not be annulled for objections as to matters of form; all objections shall be objections of law, and to matters of substance; but the damages and compensation to be paid to any person, or the portions thereof, apportioned to and assessed upon any lot of land,

premises, or subdivision thereof, may be enquired into if objected to as being excessively large or small.

Sec. 123. If no objections be filed, said report shall be confirmed; but if objections be filed, said court, after considering the same, and after argument thereon, shall, in its discretion, confirm or annul said report, or may refer it back to the same jury, for the purpose of reviewing all matters and correcting all errors therein contained, and making any alterations thereof which said court may direct or said jury may deem just or necessary; and thereon said jury shall review, correct, or alter, said report, in manner aforesaid, and shall return and file the same with said court, within five days after said report was referred back to them as aforesaid; and thereupon said court shall confirm or annul said report.

Sec. 124. If said report be annulled, or the jury cannot agree, or from death, sickness, or any other cause, shall fail to make a report within the thirty days required above, the court may, on the application of the attorney, designate some day when another jury may be had, and such jury shall be obtained, drawn summoned, returned, bound to attend and serve, have the same qualifications, be sworn, and when sworn have the same powers and duties as the first jury; the same proceedings, after they are sworn, shall be had by them, and by and in said court, as provided for above, after the first jury is sworn.

Sec. 125. If any juror after being sworn shall die, or from sickness be unable to discharge his duties, the court may appoint another person to serve in his place, who shall be sworn, and shall have the like qualifications, powers and duties as those already sworn.

Sec. 126. Any person to whom damages and compensation may be awarded for any of his property intended to be taken, or on account of the intended improvement, or to and upon whose property any portion of such damages and

Appeal. compensation may be apportioned and assessed, considering himself aggrieved, may appeal from the judgment of the court confirming the report of the jury to the supreme court, by filing in writing with the said court a notice of such appeal and specification of the errors complained of, within five days after the confirmation, and serving within the same time a copy of said notice and specification of errors on the attorney of the corporation, and filing a bond in said court, to be approved by the said justice, conditioned for the prosecution of said appeal, and the payment of all costs that may be awarded against the appellant in case the judgment of confirmation of the justice's court be affirmed.

Notice.

Bond.

Duty of clerk of the court. Sec. 127. In case of appeal as above, it shall be the duty of the court forthwith, or as soon as practicable, to transmit to the supreme court a certified copy of all the proceedings in the case, which may be filed in said court.

Duties and powers of supreme court. Sec. 128. The supreme court at any term thereof shall, with the least practicable delay, hear and try the matter of said appeal, and may affirm or revise [reverse] the judgment of the justice court confirming the report of the jury, but the same shall not be reversed for matter of form, nor for any errors except errors of law, and only in regard to the appellant or appellants. The court shall give judgment for reasonable costs and expenses in the matter of said appeal and proceedings thereon, to be taxed, and all costs and expenses awarded to the city in case of affirmation, shall be applied on and deducted from the damages and compensation, if any, to be paid to the appellant or appellants.

Case may be remanded for correction. Sec. 129. If there be a reversal for any errors which it is practicable for the court or said jury to correct with due regard to the public interest and rights of individuals, the proceedings shall be remanded to said court with direction that such errors be corrected. Said court or (as the case may be) said jury, under the direction of said court, shall correct such error, and thereupon the report of the jury

shall be confirmed by said court, without any further right of appeal.

Sec. 130. In case of every annulment of the report of the jury by the court, or reversal by the supreme court, the common council, in behalf of said city, may by resolution elect to pay the damages and compensation claimed by, or the assessment made upon the property of the objector, appellant or appellants, on filing a certified copy of said resolution in the said court, within twenty days after the annulment or reversal, the report of said jury shall be reviewed and confirmed by said court as to all persons interested therein, except the objector, appellant or appellants, and without further right of appeal. If the common council do not elect as above provided, all the proceedings shall be null and void, and no further proceedings shall be had except in a case of reversal, when the proceedings may have been remanded to the court for the correction of certain errors, in which case such errors shall be corrected, and the report of the jury confirmed as above provided.

Sec. 131. If the report of the jury be confirmed by the court in any case above provided for, or if the judgment of confirmation be affirmed on appeal to the supreme court, such confirmation shall be final and conclusive as to all persons interested therein; and the damages and compensation apportioned to and assessed upon any lot of land, premises or sub-division thereof, according to said report as confirmed, shall be a lien thereon from the time of the aforesaid confirmation until they are paid and satisfied.

Sec. 132. When the report of the jury shall have been thus finally confirmed, or the judgment of confirmation affirmed by the supreme court, the court shall prepare a certified copy of the report of the jury as confirmed by the court, and of the order of the court confirming the same, and shall file said certified copy in the office of the clerk of the city, who shall record the same in a book to be provided.

ded, used and known as a book of street records. Such certified copy, such record, or a like copy made and certified by the court, shall in all courts and places be presumptive evidence of the matters therein contained, and of the regularity of all proceedings from the commencement thereof to and including the order of the court confirming the report of the jury.

Amount paid to city treasurer. Sec. 133. The amounts apportioned to and assessed upon all lots of land, premises or sub-divisions thereof, for the benefits they will receive, shall be paid to the treasurer of said city, in case of confirmation of the report of the jury as above provided, or in case the judgment of confirmation

Warrant issued by supervisor. be affirmed by the supreme court, and warrant or warrants authorizing the collection thereof shall be issued, as soon as practicable, under the hand of the supervisor of the city,

Treasurer to collect. directed to the treasurer thereof, and in the collection of such assessments the said treasurer shall proceed in the same manner, and shall levy, collect, make return to the city clerk of the sums remaining uncollected, with a description of the lots, premises or sub-divisions, or parts or portions thereof, upon which such tax was assessed, and which remains unpaid as aforesaid, and the city clerk shall

Provision for collecting unpaid assessments. report the same to the supervisor, and the supervisor shall assess the same upon his assessment and tax roll upon such premises, and the same shall be thereupon collected and returned, and the same proceedings had for the collection and return thereof, and for the sale of such premises for the non-payment of such assessment and the charges accruing thereon, as is provided by this act in the case of the collection of assessments made for public improvements in said city.

Common council to pay or tender amount. Sec. 134. Within three months after the confirmation of the report of the jury, or after the judgment of confirmation shall, on appeal, be affirmed, the common council shall pay or tender to the respective persons the several amounts

of damages and compensation awarded to them, according to the report of the jury as confirmed, or elected, as above provided for, to be paid by the common council; and in case any such person shall refuse the same, be unknown, or a non-resident of said city, or for any reason incapacitated from receiving his or her amount, or the right thereto be disputed or doubtful, the common council may deposit the amount awarded in such case, or elected to be paid by the common council, in the treasury of the city, to the credit of any person entitled thereto, and shall, on demand, pay the same over to any person or persons competent and entitled to receive it, and the treasurer shall take receipt and voucher therefor.

Amount to  
be deposited  
in city trea-  
sury in cer-  
tain cases.

Sec. 135. Upon such payment, tender, or deposit in the city treasury, the fee and ownership of the land and property to be taken, with its appurtenances, shall be fully vested in the said city and the common council may enter upon take possession of, and convert the same to the uses and purposes for which it has been taken. A certificate of the city treasurer of such tender, payment, or deposit, or record thereof in the book of street records, or certified copy of such record, shall in all courts and places, be presumptive evidence of the facts therein stated, of the vesting of the fee of the property taken in the city and of the right of the common council to take possession of and convert the same to the uses for which it has been taken.

When title  
to vest in  
city.

Certificate  
to be evi-  
dence.

Sec. 136. In all cases where any real estate, subject to any lease or agreement, shall be taken as aforesaid, all the covenants and stipulations contained therein shall cease, determine, and be discharged, upon the final confirmation of the report of the jury, or upon the affirmation, by the supreme court, of the judgment of confirmation. If a part only of such real estate be taken, said covenants and stipulations shall cease, determine and be discharged, only as to such part ; and the court, on application of any party.

Leases on  
agreements  
to be void  
after final  
confirma-  
tion.

*Appointment of commissioners to determine rents, &c.* in interest to such lease or agreement, and after a notice thereof of eight days, in writing to the other parties in interest, may appoint three disinterested residents and freeholders of said city, commissioners, to determine the rents and payments to be thereafter paid, and the covenants, stipulations or conditions thereafter to be performed under the lease or agreement, in respect to the residue or part of such real estate not taken. Said commissioners shall, before entering on their duties, take and subscribe an oath, to be administered by the court, faithfully to discharge their duties, which oath shall be filed in said court.

*Their duties* Said three commissioners shall make and sign a report, in writing of their doings to said court, which shall be filed therein within thirty days after their appointment; and said report, on being confirmed by the court, shall be binding and conclusive on the parties in interest to such lease or agreement, and the fees and expenses of proceedings under this section shall be borne in whole or in part by the parties to such lease or agreement, or either of them, or by the city in the discretion of the common council.

*Certain duties of marshals may be performed by constables.* Sec. 137. The duties above to be performed by the marshal of said city, in case of the inability of such marshal, whether by absence, sickness, or interest in the subject matter of the proceedings, may be performed by either of the constables of said city.

*Compensation of jury.* Sec. 138. The common council shall pay said jury such compensation for their services as they may deem just, and they shall have power to abandon or discontinue proceedings under this chapter in said court, at any time before the final confirmation of the report of the jury.

*Common council to be commissioners of highways.* Sec. 139. The common council shall be commissioners of highways for said city, and shall have the care and supervision of the highways, streets, bridges, lanes, alleys, parks, and public grounds therein; and it shall be their duty to

give directions for the repairing, preserving, improving,<sup>Duties as such.</sup> cleansing and securing of such highways, bridges, lanes, alleys, parks and public grounds, and to cause the same to be repaired, cleansed, improved and secured, from time to time, as may be necessary; to regulate the roads, streets, highways, lanes, parks and alleys already laid out, or which may hereafter be laid out, and to alter such of them as they shall deem inconvenient, subject to the restrictions contained in this title; to cause such of the streets and highways in said city as shall have been used for six years or more as public highways and streets, and which are not sufficiently described, or have not been duly recorded, to be ascertained, described, and recorded in the office of the city clerk of said city, in the book of street records; and the recording of such highways, streets, lanes, alleys or public grounds, so ascertained and described, or which shall hereafter be laid out and established by the said common council, and recorded in the book of street records, in the office of the clerk, by order of the common council, shall be presumptive evidence of the existence of such highway, street, lane, alley, or public ground therein described; to divide said city from time to time, into so many highway districts as they shall deem expedient, by an ordinance or resolution, entered in their minutes; to appoint and assign to each of such districts, so many inspectors of streets as they shall from time to time deem proper, and such inspectors shall in all cases, when required by the common council, give such securities as said council shall require, for the faithful performance of their duties; and the council may assign to such inspectors such duties in relation to the opening, laying out, making, repairing and preserving the streets, highways, lanes, alleys, parks, squares and public grounds of said city, as they may deem expedient; and the said inspectors shall possess all the powers, and be subject to all the

liabilities, of overseers of highways in the several townships of the State, so far as the same may be applicable to said city under the provisions of this act.

*Powers of  
common  
council as  
to sewers,  
drains, &c.*

Sec. 140. The common council shall have power to cause common sewers, drains and vaults, arches and bridges, wells, pumps and reservoirs to built in any part of said city; to cause the grading, raising, levelling, repairing, amending, paving or covering with broken or pounded stone, plank or other material, any street, lane, alley, highway, public ground or side-walk of said city.

*Streets,  
highways,  
&c.*

Sec. 141. The common council shall have the same power in relation to discontinuing any street, highway, lane or alley in said city, which the commissioners of highways in townships have or may hereafter receive in relation to town highways, and they may adopt the same proceedings to effect such object as near as may be as the commissioners of highways in townships are or may be by law required to adopt, and appeals may be taken to the circuit court for the county of Washtenaw in like manner as far as practicable as appeals are now or may hereafter by law be taken from the decisions of highway commissioners in townships, and the said circuit court is hereby authorized and empowered to hear and determine such appeals.

*Duties of  
common  
council in  
relation to  
certain im-  
provements*

Sec. 142. Whenever the common council shall determine that the whole or any part of the expense of any public improvement not requiring the taking of any land by the said city, shall be defrayed by an assessment on the owners or occupants of houses and lands to be benefited thereby, they shall declare the same by an entry in their minutes, and after ascertaining, as they may think proper, the estimated expense of such improvement, they shall declare by an entry in their minutes whether the whole or what portion thereof shall be assessed to such owners and occupants, specifying the sum to be assessed, and the portion of the city which they deem to be benefited by such im-

provement; the costs and expenses of making the estimates, plans and assessments incidental thereto, shall be included in the estimated expenses of such improvement.

Sec. 143. The common council shall thereupon make an <sup>order</sup> reciting the public improvement so as aforesaid intended to be made, the amount of expense to be assessed as aforesaid, and the portion or part of the city on which the same is to be assessed, designating and directing three resident freeholders of said city not interested in any of the property so benefited, nor of kin to any person interested, to make an assessment upon all the owners or occupants of lands and houses within the portion or part so designated, of the amount of expense in proportion as nearly as may be to the advantage which each shall be deemed to acquire by making of such improvements; which order shall be certified by the clerk of the city and delivered to one of said commissioners, together with a map or profile of the proposed improvement in cases where the same is practicable.

Sec. 144. It shall be the duty of said commissioners so designated and appointed by the common council, to meet together at such time and place as the common council shall appoint, or in case said council do not so appoint, as said commissioners shall themselves agree upon, and thereupon said commissioners shall severally take and subscribe an oath before some officer by law authorized to administer the same, that they are not interested in the premises described in said order, and not of kin to any person so interested, and that they will faithfully and impartially discharge the duty imposed upon them by said order, which said oath shall forthwith be returned and filed with the city clerk. In case any such commissioner shall not be able to take such oath, the city clerk shall forthwith return that fact to the common council, and the said council shall thereupon appoint one or more commissioners Duties of  
commission-  
ers.

not interested and not of kin as aforesaid, to make the number three, and proceed in like manner until three commissioners are sworn as aforesaid.

Sec. 145. The commissioners thus sworn shall proceed to make an assessment according to the said order, and shall make out an assessment roll, in which shall be entered the names of the persons assessed, the value of the property for which they are assessed, the amount assessed to each of them respectively, and in case any lots or parts of lots shall be unoccupied, belonging to any person residing in the said city, such person shall be assessed for the same, and his name entered accordingly; and in case such lots or parts of lots shall belong to a non-resident or owner or owners unknown, the same shall be entered accordingly, with a description of such lots or premises, as is required by law in assessment rolls made by supervisors of towns, with the value thereof and the amount assessed thereon, which assessment shall be subscribed by them, or a majority of them, who acted in the premises, and returned as speedily as may be to the common council of the said city.

Compensa-  
tion of com-  
missioners.

Sec. 146. The said commissioners shall receive such compensation for their services as shall be allowed them by the common council, to be paid out of the contingent fund of the said city, not exceeding two dollars per day for each.

Notice.

Sec. 147. Upon such return being made and filed, the clerk of the city shall cause notice of the names being returned to his office to be published in a newspaper of the said city for at least ten days, and that the common council will, on such day as they shall appoint, proceed to hear any appeals from the said assessment.

Hearing of  
appeals.

Sec. 148. At the day appointed for that purpose, and such other days as the hearing shall be adjourned to, the common council shall hear the allegations and proofs of all persons who may complain of such assessment, and

may rectify and amend the said assessment list in whole or in part, or may set the same aside and direct a new assessment, either by the same persons, or by such other persons as the common council shall appoint for that purpose ; and in such case the same proceedings shall be had as are herein provided upon the first order of the assessment, or the said common council may ratify and confirm such assessment without any corrections, or with such corrections therein as they may think proper.

Sec. 149. Every assessment so ratified and confirmed by the common council, as aforesaid, shall be final and conclusive, and the same shall remain and continue a lien upon the premises assessed for such tax. Within ten days after such assessment shall have been so ratified, the supervisor shall affix to such assessment and tax roll his warrant for the collection thereof ; which warrant shall direct the treasurer to collect the same within the time prescribed by the resolution of the common council; and the said assessment and tax roll, with the warrant of the supervisor annexed, shall be delivered to said treasurer, within the ten days aforesaid, who shall thereupon be authorized to levy and collect the same by distress and sale of any personal property upon such premises, or in possession of the person chargeable with such tax ; and in case sufficient personal property cannot be found whereon to levy and collect such tax, the treasurer shall, within five days after the time prescribed by his said warrant for the collection thereof has expired, make a report to the city clerk of the sums so remaining unpaid, which he was unable, for want of such personal property, to levy and collect of the same, together with the description of the premises assessed for such unpaid taxes ; and the city clerk, within five days thereafter, shall in like manner notify the supervisor of the amount of such taxes and the description of the premises assessed and chargeable with such tax, who shall assess such unpaid

Assessments conclusive &  
to be a lien.

Warrant issued by supervisor.

Tax collected by treasurer.

taxes on such premises in the tax roll of such ward next thereafter to be made, and such tax shall then be levied, collected and returned, and the said premises may be sold for non-payment thereof, as provided by law for the non-payment of the ordinary city taxes.

Owner or  
landlord to  
pay tax.

Sec. 150. In cases where there is no agreement to the contrary the owner or landlord, and not the occupant or tenant, shall be deemed in law the person who ought to bear and pay every such assessment, made for the expense of any public improvement in the said city.

Person pay-  
ing may re-  
cover of per-  
son who  
ought to  
pay.

Sec. 151. Where any such assessment shall be made upon or paid by any person, when by agreement or by law the same ought to be borne or paid by any other person, it shall be lawful for the one so paying to sue for and recover of the person bound to pay the same the amount so paid, with interest.

Sec. 152. Nothing herein contained shall impair, or in any way affect, any agreement between any landlord and tenant, or other persons, respecting the payment of any such assessments.

Excess to be  
apportioned  
and paid to  
tax payer.

Sec. 153. If, upon completion of any such improvement for which such assessment shall have been made, it shall appear that a greater amount has been assessed and collected than is necessary to defray the expenses thereof, the common council shall apportion such excess among the persons and property assessed, in proportion to the amount collected of them, and shall pay the same to such persons and the owner of such property entitled thereto, on demand.

Deficit may  
be assessed.

Sec. 154. If it shall appear that a greater sum of money has been expended in the completion of such improvement than was estimated as aforesaid, the common council may direct the assessment of the same on the owners and occupants of houses and lands benefited by such improvements, in the same manner as herein above directed, and the same-

proceedings in all respects shall be had thereon, and the common council may enlarge the territory to be assessed for such improvements.

Sec. 155. Every tax or assessment for public improvements, or for other purposes authorized by this act, except as herein otherwise provided, assessed upon any lands, tenements, or real estate, or upon the owners or occupants thereof, shall be and remain a lien upon such lands, tenements and real estate, on which, or in respect to which the same shall be made, from the time of filing the roll containing the same with the city clerk, until the same shall be paid or satisfied.

Sec. 156. Whenever the common council shall deem it expedient to construct any sidewalk or pavement, or plank any street within the said city, they may, by ordinance or otherwise, require the owner or occupant of any lot or house adjoining such street to lay such sidewalk, or construct such pavement, or plank such street, to the middle of the said street, in front of his or her lot or house; or they may direct such sidewalks and pavements, and such streets, to be planked, to be made according to the provisions of this act. The common council may, in like manner, by ordinance or otherwise, under such penalty or penalties as they may prescribe, require the owners and occupants, or either, of land in said city, or in any specified part thereof, to repair, maintain and re-construct sidewalks, pavements and street improvements adjoining their respective premises, to the middle of the street or alley, in such manner as the common council, by ordinance or otherwise, may direct; the expense to which any occupant or tenant may be thus subjected, may be collected by him from the owner of the premises, unless otherwise agreed, or unless such tenant or occupant be bound to bear such expense by the terms or nature of the agreement under which he holds the premises.

Common  
council may  
require  
owners to  
construct  
sidewalks.

**Proceedings  
in case of  
refusal.** Sec. 157. Whenever the owner or occupant of any lot or house shall refuse or neglect, within such time as the common council shall have appointed, to conform to any regulation made by the said council for widening streets, or for any other purpose, it shall be lawful for the said common council to cause such regulations to be enforced at the expense of the city, and to recover the amount of such expenses with damages, at the rate of ten per cent. with costs of suit, from the owner or occupant of such lot or house, whose duty it was to conform to such regulation.

**Non-resi-  
dent lands  
may be as-  
sessed.** Sec. 158. The common council are authorized to assess the lands of non-residents of said city, their just proportion of the expenses of cleaning and repairing streets and sidewalks, and removing nuisances, and the said expenses shall be assessed in the same manner, and the amount so assessed shall be collected in the same manner, and the same proceedings shall be had in case of the non-payment of the same, as in relation to the assessments for public improvements in said city; except as the common council may otherwise determine or direct. It shall in all cases be the duty of the owner of every lot or parcel of land in said city, to keep the sidewalk adjoining his lot or piece of land in good repair, and also to remove and clear away all snow and ice and other obstructions from the sidewalk. If any owner, after notice so to do shall have been posted on the premises, or otherwise given, served or published, as the common council may direct by ordinance, resolution or otherwise, shall fail or neglect so to do, for such time not less than twenty-four hours, as the common council by a general or special ordinance, resolution or otherwise may fix, the common council may cause the same to be done at the expense of the city, and may add such expense (not exceeding ten dollars on any lot or piece of land in any year) to the amount of the general city tax on such

**Owners to  
keep street  
and side-  
walks clean.**

**Proceedings  
if owner re-  
fuses.**

land, in the next general assessment rolls of said city, and such amount so added shall be a lien on the premises in the same manner as the tax to which it is added, and may be collected and enforced, and (if not paid or collected) the land sold therefor, in the same manner as for general city taxes.

Sec. 159. Every person owning or occupying land or <sup>Persons liable for highway taxes.</sup> tenements in the said city, and every male inhabitant thereof over the age of twenty-one years and under the age of fifty, except as hereinafter provided, residing in said city, shall be assessed for highway taxes in said city; and the lands and tenements of non-residents situated in said city shall be assessed for highway taxes as hereinafter provided.

Sec. 160. The aldermen of each ward of said city, shall, <sup>List to be furnished.</sup> on or before the fifteenth of May in each year, furnish the common council with a list subscribed by them, of the names of all the inhabitants of his ward who are liable to be assessed for highway taxes.

Sec. 161. The common council shall, in the month of <sup>Annual statement of common council.</sup> May in each year, make out from the assessment rolls in said city a separate list and statement of the value of all the taxable personal property, and a description of all lots or parcels of land within each highway district in said city, inserting in a separate part of said list descriptions of lands and tenements owned by non-residents of the city, with the value of each lot or parcel set down opposite to such description, as the same shall appear on the assessment roll; and if such lot or tract was not separately described in such roll, then in proportion to the valuation which shall have been affixed to the whole tract of which such lot or parcel forms a part.

Sec. 162. In making the estimate and assessment of high-<sup>Estimate, how made.</sup> way taxes, the common council shall proceed as follows:

1. Every male inhabitant in each ward, being above the

age of twenty-one and under fifty, except paupers, idiots and lunatics, and other persons exempt by law from taxation for highway purposes, shall be assessed fifty cents;

2. The residue of the highway taxes shall be assessed, not exceeding ten cents upon every one hundred dollars of the valuation, shall be apportioned upon the estate, real and personal, of every inhabitant in each highway district in said city, and upon each of the tracts or parcels of land in the respective highway districts of which the owners are non-residents, as the same shall appear from the assessment roll;

3. The common council shall affix to the name of each person named in the list furnished by the supervisors, and not assessed upon the assessment roll, and also to each valuation of property within the several highway districts, the amount of which such person or property shall be assessed for highway taxes, adding fifty cents to the assessment of each person between the age of twenty-one and fifty years, liable to such assessment upon the city assessment roll.

<sup>Tax list to be made in duplicates.</sup> Sec. 163. The said tax list shall be made in duplicates and signed by the mayor, one of which shall be filed with the city clerk, and the other shall be put into the hands of the treasurer for collection, who shall, before receiving the same, give such security as the common council may require for the faithful discharge of his duties.

<sup>Treasurer to give notice.</sup> Sec. 164. Whenever the said tax list shall have been delivered to the treasurer with the warrant of the supervisor annexed for collection, he shall give like notice, and proceed in like manner, as near as may be, to collect said tax as hereinbefore provided for the collection of the ordinary taxes of said city.

<sup>Taxes in each ward to be kept separate.</sup> Sec. 165. The taxes assessed and collected in each ward shall be kept separate, and when collected the treasurer shall enter the respective amounts so paid in a book to be

kept by him for that purpose, to the credit of the ward from which they were collected.

Sec. 166. The moneys so collected and paid into the <sup>Highway fund, how</sup> treasury as aforesaid shall constitute the highway fund of <sup>applied;</sup> said ward districts in said city, and shall be applied as follows:

1. The street inspectors of the several ward districts, <sup>Monthly re-</sup>  
<sup>port of</sup>  
<sup>street in-</sup>  
<sup>spectors.</sup> under the general supervision of the marshal, shall at all times keep the streets, bridges, culverts and drains allotted to them to oversee, in thorough repair and free from obstructions; they shall report on oath to the common council, once in each month, which report shall contain an accurate statement of the amount of labor performed and the expense necessarily incurred for material, and the streets upon which the same was performed, or expense incurred, and their charges for the same;

2. The common council shall examine such report, and if <sup>Examined</sup>  
<sup>by common</sup>  
<sup>council and</sup>  
<sup>filed.</sup> satisfied of its correctness, and that the charges therein made are just and reasonable, they shall accept it and order it filed, but if they are satisfied that it is incorrect, or that the charges therein are unreasonable, they shall alter the same as they think proper, and shall allow such charges as they shall deem just and equitable; they shall then let said report lay upon the table one week, and if not withdrawn by the inspector by filing a notice in writing to that effect with the city clerk in that time, they shall accept it and order it filed as corrected by them;

3. When any such report is filed the mayor shall draw an <sup>Order on</sup>  
<sup>highway</sup>  
<sup>fund drawn</sup>  
<sup>by mayor.</sup> order upon the highway fund of the district in which the repairs were made, to the amount of such charge in said report, payable to said inspector, which order shall be countersigned by the auditor, and upon presentment, the city treasurer shall pay from the funds of such district, if there be any money in the treasury belonging to such dis-

trict, and enter the same to the debit of the fund of such district, in a book to be kept by him for that purpose.

*Money of each ward, &c.* 4. No money belonging to one ward district, shall be applied in payment for repairs made in any other ward district.

*Books open to inspection.* Sec. 167. The books kept by the city treasurer in which the debts and credits of the highway funds are entered, shall be open at all reasonable hours to the inspection of members of the common council.

*Assessments on cellars and drains.* Sec. 168. The common council shall have full power to assess and collect of each individual using or being benefited by any public sewer or drain, as follows, to wit: The sum of one dollar and fifty cents annually for each cellar drained directly or indirectly by a drain, into any public drain or sewer, which assessment shall be taken to include all other drainage of the premises to which said cellar especially belongs; and the sum of fifty cents annually for each lot, or sub-division of lot, being without a cellar, drained as aforesaid into any public drain or sewer; and such sums as may be fixed by the common council for all establishments requiring an unusual or extraordinary amount of drainage, drained as aforesaid; which sums, when collected, shall constitute the sewer fund, and shall be expended exclusively for the repair and construction of sewers, and the collection of the charges to individuals for drainage in this section provided, shall be enforced in such manner as the common council may by ordinance direct.

*All assessments a lien.* Sec. 169. When any assessment for public improvements, or for any local improvements or expenses upon any ward district, street, lane, alley, public sewer, or other improvement shall have been made, as in this act provided, and the tax roll for the same shall have been delivered to the treasurer for collection, the same shall be a lien upon the premises upon which the same was assessed, and the treasurer collecting such tax, shall levy and collect the

same of any personal property found on the premises so assessed, or in possession of that person chargeable with such tax, and in case sufficient personal property shall not be found to levy and collect the same, the treasurer shall make return to the city clerk of the sums so remaining uncollected by him with a description of the lots or parcels upon which such tax was assessed, and which remains unpaid as aforesaid, and thereupon the city clerk shall report the same to the supervisor, who shall assess the same upon his assessment and tax roll upon such premises, and the same shall be thereupon collected and returned, and the same proceedings had for the collection and return thereof, and for the sale of such premises for the non-payment of such tax, as is provided by law for the collection, return and sale of premises for non-payment of the ordinary city taxes.

Sec. 170. When the treasurer shall have levied upon any personal property for the non-payment of any tax or assessment in this act provided, he shall proceed to advertise and sell the same, in the same manner and upon like notice, as required by law in the levy and sale of personal property for non-payment of taxes by township treasurers.

Sec. 171. For the purpose of guarding against the calamities of fire the common council may from time to time, by ordinance, designate such portions and parts of the said city as they shall think proper, within which no buildings of wood shall be erected; and may regulate and direct the erection of buildings within such portions and parts, and the size and materials thereof, and the size of the chimneys therein; and every person who shall violate any such ordinance or regulation shall forfeit to the city the sum of one hundred dollars; and every building erected contrary to such ordinance is hereby declared to

be a common nuisance, and may be abated and removed by such common council.

*May require owners of buildings to have scuttles, &c.* Sec. 172. The common council may, by ordinance, require the owners and occupants of houses and other buildings to have scuttles on the roofs of such houses and buildings, and stairs or ladders leading to the same; and whenever any penalty shall have been recovered against the owner or occupant of any house or other building for not complying with such ordinance, the common council may at the expiration of twenty days after such recovery, cause such scuttles and stairs or ladders to be constructed, and may recover the expense thereof, with ten per cent. in addition, of the owner or occupant whose duty it was to comply with such ordinance.

*Fire buckets* Sec. 173. The common council may, by ordinance, require the inhabitants of the city to provide such and so many fire buckets for each house or tenement therein, and within such time as they shall prescribe, and may require such buckets to be produced at every fire.

*Ashes, stoves and pipes, flues.* Sec. 174. The common council may regulate and direct the construction of safe deposits for ashes, and may compel the clearing of chimneys, flues, stovepipes, and all other conductors of smoke, and upon the neglect of the owner or occupant of any house, tenement, or building of any description, having therein any chimneys, flues, stovepipes, or other conductors of smoke, to clean the same, as shall have been directed by any ordinance, the common council may cause the same to be cleansed, and may collect the expenses thereof, and ten per cent. in addition, from the owner or occupant whose duty it was to have the same cleaned.

*Other safety guards against fires* Sec. 175. The common council may regulate the use of lights and candles in livery stables and other buildings in which combustible articles may be deposited, and may prescribe the use of lanterns or safety lamps in such buildings,

and may regulate the transporting, keeping and deposit of gunpowder or other dangerous or combustible materials, and may prevent or regulate the carrying on of manufactures dangerous in causing or promoting fires, and may authorize and direct the removal of any hearth, fireplace, stovepipe, flue, chimney, or other conductor of smoke, or any other apparatus or device in which any fire may be used, or to which fire may be applied, that shall be considered dangerous, and liable to cause and promote fires, and generally may adopt such other regulations for the prevention and suppression of fires as they may deem necessary,

Sec. 176. For the purpose of enforcing such regulations, <sup>May cause dwellings to be examined.</sup> the common council may authorize any of the officers of the said city, and may appoint persons at all reasonable times, to enter into and examine all dwelling houses, buildings and tenements of every description, and all lots, yards and enclosures, and to cause such as are dangerous to be put in safe condition: and may authorize such officers and persons to inspect all hearths, fireplaces, stoves, pipes, flues, chimneys, or other conductor of smoke, or any apparatus or device in which fire may be used, or to which fire may be applied, and remove and make the same safe, at the expense of the owners or occupants of the buildings in which the same may be, and to ascertain the number and condition of the fire buckets, and the situation of any building in respect to its exposure to fire, and whether scuttles and ladders thereto have been provided, and generally, with such powers and duties as the common council shall deem necessary to guard the city from the calamities of fire.

Sec. 177. The common council may procure, own, build, <sup>Fire en-</sup> <sup>gines, en-</sup> <sup>gines, en-</sup> <sup>gines, en-</sup> erect, and keep in repair, such and so many fire engines, <sup>gines, en-</sup> <sup>gines, en-</sup> <sup>gines, en-</sup> with their hose and other apparatus, engine houses, ladders, fire hooks and fire buckets, and other implements and conveniences for the extinguishment of fires, and to prevent <sup>gines, en-</sup>

injuries by fire, and such and so many public cisterns, wells, reservoirs of water, as they from time to time shall judge necessary.

*Fire districts.*

Sec. 178. The common council shall have power to organize said city into so many fire districts as they may deem necessary, and may organize and maintain a fire department for said city, to consist of one chief engineer, two assistant engineers, twice as many wardens as there are wards in the said city, a proper number of firemen, not exceeding fifty to each engine, such number of hook and ladder men, and such number of tub and hose men as may be appointed by the said common council; all to have privileges and exemptions of firemen, and to hold their appointment during the pleasure of the common council.

*Fire companies.*

Sec. 179. The common council may make rules and regulations for the government of the said engineers, wardens, firemen, hook and ladder men, and tub and hose men; may prescribe their respective duties in case of fire or alarms of fire; may direct the dresses and badges of authority to be worn by them; may prescribe and regulate the time and manner of their exercise, and may impose reasonable fines for the breach of any such regulations.

*Powers and duties of engineers and fire wardens.*

Sec. 180. The engineers and fire wardens, under the direction of the common council, shall have the custody and general superintendence of the fire engines, engine houses, hooks, ladders, hose, public cisterns, and other conveniences for the extinguishment and prevention of fires, and it shall be their duty to see that the same are kept in order, and to see that the laws and ordinances relative to the prevention and extinguishment of fires are duly executed, and to make detailed and particular reports of the state of their department, and of the conduct of the firemen, hook and ladder men, tub and hose men, to the common council, at stated periods, to be prescribed by the common council, and to make such reports to the mayor whenever required by

him; the certificate of the city clerk that a person is or has been a fireman shall be evidence of the facts in all courts and places, on proof of the genuineness of such certificate.

Sec. 181. The common council may, by ordinance, direct <sup>Fire bells.</sup> the manner in which the bells in the city shall be tolled or rung in cases of fire or alarms of fire, and may impose penalties for ringing or tolling of such bells in such manner at any other time than during a fire or alarm of fire.

Sec. 182. The common council may provide suitable <sup>Compensa-</sup>  
<sup>tion to injur-</sup>  
<sup>ed firemen.</sup> compensation for any injury that any fireman, hook-and-ladder man, or tub-and-hose man may receive, in his person or property, in consequence of his exertions at any fire.

Sec. 183. The common council may by ordinance :

1. Prescribe the duties and powers of the engineers and wardens at fires and in cases of alarms of fire, and may vest in them such powers as shall be deemed necessary to preserve property from being stolen, and to extinguish and prevent fires;

2. Prescribe the powers and duties of the mayor and aldermen at such fires and in cases of alarm; but in no case shall the mayor or any alderman control or direct the chief engineer or his assistants, during any fire;

3. Provide for the removal and keeping away from such fires of all idle, disorderly or suspicious persons, and may confer powers for that purpose on the engineers, fire wardens or officers of the city;

4. Provide for compelling persons to bring their fire buckets to any place of fire, and to aid in the extinguishment thereof by forming lines or ranks for the purpose of carrying water, and by all proper means to aid in the preservation, removal and securing of property exposed to danger by fire;

5. To compel the marshal, constables and watchmen of

<sup>General  
powers of  
council in  
relation to  
fires.</sup>

the city to be present at such fires, and to perform such duties as the said common council shall prescribe.

*Arrest of person disobeying orders at fires.*

Sec. 184. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman, at any fire, it shall be lawful for the officer giving such order, to arrest, or to direct orally a constable, watchman, or any citizen, to arrest such person and confine him temporarily in any safe place, until such fire shall be extinguished, and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire, who shall be intoxicated or disorderly.

*Buildings may be destroyed to prevent spread of fires.*

Sec. 185. Whenever any building in said city shall be on fire, it shall be the duty, and be lawful for the chief engineer, with the consent of the mayor, or any alderman, or of any two aldermen, to order and direct such building, or any other building which they may deem hazardous, and likely to communicate fire to other buildings, or any part of such building, to be pulled down and destroyed, and no action shall be maintained against any person or against the said city therefor; but any person interested in any such building so destroyed or injured, may, within three months thereafter, apply to the common council to assess and pay the damages he has sustained. At the expiration of the three months, if any such application shall have been made in writing, the common council shall either pay to the said claimant such sum as shall be agreed upon by them and the said claimant for such damages, or if no such agreement shall be effected, shall proceed to ascertain the amount of such damages, and shall provide for the appraisal, assessment, collection and payment of the same in the same manner as is provided by this act, for the ascertainment, assessment, collection and payment of damages sustained by the taking of lands for purposes of public improvement.

*Damages how paid.*

Sec. 186. The commissioners appointed to appraise and assess the damages incurred by the said claimant by the pulling down or destruction of such building by the direction of the said officers of the city, as above provided, shall take into account the probability of the same having been destroyed or injured by fire if it had not been so pulled down and destroyed, and may report that no damage should be equitably allowed to such claimant. Whenever a report shall be made and finally confirmed, in the said proceedings for appraising and assessing the damages, a compliance with the terms thereof by the common council shall be deemed a full satisfaction of all said damages of the said claimant.

Sec. 187. The directors of the poor elected in said city, as hereinbefore provided, shall be directors of the poor of said city, and shall possess all the powers and authority of directors of the poor of towns in this State, in relation to the support and relief of indigent persons, the binding out of children who shall solicit alms, or who, or whose parents, shall become chargeable to the said city, or to the county of Washtenaw, in said city; the safe keeping and care of lunatics; the care of habitual drunkards; the binding out and contracting for the service of disorderly persons; the support of bastards; and all such other powers as are conferred on directors of the poor in the respective towns, and shall be subject to the same duties, obligations and liabilities.

Sec. 188. Until provisions shall otherwise be made as hereinafter authorized, the indigent persons, and such others as shall be entitled to relief under the laws of this State, who are or shall become chargeable to the said city, being in the said city, shall continue to be supported and relieved in the manner provided by law in respect to the county of Wastenaw.

Sec. 189. All money that shall be raised in the said city

*License money to be applied to support of poor.* by licenses to grocers, tavern keepers or common victualers, and for penalties for the violation of any city ordinances regulating the retailing of any spirituous liquors, shall be paid into the city treasury, and shall belong to and constitute a part of the fund of the city for the support of the poor therein, and shall be deposited for safe keeping by the treasurer as other moneys under his care; and accounts thereof shall be kept, and the same shall be drawn, in the manner hereinbefore prescribed in relation to the funds of of said city.

*Justices' courts.* Sec. 190. The jurisdiction of the justice's court of said city shall extend to, and said court shall have original jurisdiction, and shall have power to hear, try and determine all civil actions arising in said city, wherein said city, in its corporate capacity, shall be a party, or any city or ward officer, in his official character, shall be a party; all charges, complaints, actions and prosecutions for the recovery of any and all forfeitures and penalties for alleged violations or infringements of the acts of the legislature of this State incorporating said city except in cases where jurisdiction is especially given to some other court; all actions for alleged breaches or violations of any of the by-laws or ordinances of said city, except in cases where, by such by-law or ordinance, jurisdiction is especially given to some other court, and all actions for encroachments upon or injury to any of the streets, lanes, alleys, bridges, parks, or other public improvements of said city; which courts shall proceed according to, and be governed by, the general laws and rules of practice of this State, applicable to courts of justices of the peace.

*Courts may imprison offenders in county jail.* Sec. 191. Until the common council shall have provided a city watch house, as hereinbefore provided, the courts of justice in said city shall have power to imprison in the jail of the county of Washtenaw, and it is hereby made the duty of the keeper of said jail to receive such persons as

are brought to his custody by authority of any of said courts, or of the common council, or any officer of said city authorized so to commit such person, in the same manner as any court of record of this State, or other competent authority, is authorized to commit to said jail.

Sec. 192. The justices of the peace in the said city exercising civil jurisdiction, shall be deemed justices of the peace of the county of Washtenaw, and shall be subject to the general laws of the State in relation to civil causes before justices of the peace, and appeals from their judgment may be made to the circuit court for the county of Washtenaw, in the same manner as appeals from justice's judgments in towns are made.

Sec. 193. The justices of the peace of said city shall have all the authority of justices of the peace in towns in criminal matters, and shall have all the authority and perform all the duties hereinbefore provided and required of them, and shall hold a session of court daily, if necessary.

Sec. 194. All suits which shall be brought to recover any penalty or forfeiture for the violation of any ordinance of the common council, shall be brought in the name of the city of Ypsilanti, under the direction of the common council, or of the attorney of said city, and no person being an inhabitant, freeman or freeholder of the said city, shall be disqualified for that cause from acting as a judge, justice or juror in the trial or other proceeding, in any suit brought to recover a forfeiture or penalty for the violation of any provision of this act, or for the violation of any ordinance of the common council, nor from serving any process or summoning a jury in such suit, or from acting in any such capacity, or being a witness on the trial of any issue, or upon the taking or making any inquisition or assessment, or any judicial investigation of facts, to which issue, inquest or investigation the said city, or any city or ward officer, is a party, or in which said city or such officer is in-

terested; nor shall any judge of any court be disqualified to hear and adjudicate on an appeal in any matter originating in said city, because he is an inhabitant thereof.

*Judgments against city may be appealed.* Sec. 195. If any judgment in any action shall be rendered against the city by any justice of the peace, such judgment may be removed by appeal to the circuit court for the county of Washtenaw, in the same manner and with the same effect as though the city were a natural person, except that no bond or recognizance, to the adverse party, shall be necessary to be executed by or on behalf of the said city.

*Executions to issue immediately in certain cases.* Sec. 196. Every execution for any penalty or forfeiture recovered for the violation of any of the provisions of this act, or for the violation of any by-law or ordinance of the said city, may be issued immediately on the rendition of the judgment, and shall command the amount to be made of the property of the defendant, if any such can be found, and if not, then to commit the defendant to the county jail, for such time as shall have been directed by the ordinance of the common council.

*Powers of common council as to fines.* Sec. 197. The common council may direct any moneys that may have been recovered for penalties or forfeitures, under said city ordinances, to be applied to the payment of any extra expenses that may have been incurred in apprehending offenders or in subpoenaing or defraying the expenses of witnesses in any suit for such penalties or forfeitures, or in conducting such suits.

*Who to be deemed vagrants.* Sec. 198. All persons being habitual drunkards, destitute, and without any visible means of support, or who being such habitual drunkards, shall abandon, neglect or refuse to aid in the support of their families, being complained of by such families; all able bodied and sturdy beggars who may apply for alms or solicit charity; all persons wandering abroad, lodging in watch houses, out houses, market places, sheds, stables or uninhabited dwellings, or

in the open air, and not giving a good account of themselves; all common brawlers and disturbers of the public quiet; all persons wandering abroad and begging, or who go about from door to door, or place themselves in streets, highways, passages or other public places, or beg or receive alms within the said city, shall be deemed vagrants, and may upon conviction before any justice of the peace <sup>Their punishment</sup> of said city, be sentenced to confinement in the county jail of said county for any time not exceeding sixty days.

Sec. 199. All persons who shall have actually abandoned their wives or children in the city of Ypsilanti, or who may neglect to provide according to their means for their wives or children, are hereby declared to be disorderly persons within the meaning of chapter thirty-nine of title nine of the revised statutes of eighteen hundred and forty-six, and may be proceeded against as such, in the manner directed by said title; and it shall be the duty of the magistrate before whom any such person may be brought for examination, to judge and determine from the facts and circumstances of the case whether the conduct of such person amounts to such desertion or neglect to provide for his wife or children.

Sec. 200. It shall be the duty of the common council of <sup>Board of health</sup> said city to appoint a board of health once in each year for said city, to consist of not less than three nor more than seven persons, and a competent physician to be the health officer thereof.

Sec. 201. The said board of health shall have power, and <sup>Powers and duties.</sup> it shall be their duty, to take such measures as they shall deem effectual to prevent the entrance of any pestilential or infectious disease into the city; to stop, detain and examine, for that purpose, every person coming from any place infected, or believed to be infected, with such a disease; to establish, maintain and regulate a pest-house or hospital, at some place within the city, or not exceeding

three miles beyond its bounds; to cause any person not being a resident of the city, or if a resident of the city, who is not an inhabitant of this State, and who shall be, or be suspected of being, infected with any such disease, to be sent to such pest-house or hospital; to cause any resident of the city, infected with any such disease, to be removed to such pest-house or hospital, if the health physician and two other physicians of the city, including the attending physician of the sick person, if he have one, shall certify that the removal of such resident is necessary for the preservation of the public health; to remove from the city or destroy any furniture, wearing apparel, goods, wares or merchandise, or other articles or property of any kind, which shall be suspected of being tainted or infected with any pestilence, or which shall be, or be likely to pass into such a state as to generate and propagate disease; to abate all nuisances of every description which are or may be injurious to the public health, in any way and in any manner they may deem expedient; and from time to time to do all acts, make all regulations, and pass all ordinances which they shall deem necessary or expedient for the preservation of health and the suppression of disease in the city, and to carry into effect and execute the powers hereby granted.

*Notice of  
persons hav-  
ing charge  
of public  
conveyance.  
to report  
sick persons*

Sec. 202. The owner, driver, conductor, or person in charge of any stage-coach, railroad car, or other public conveyance, which shall enter the city, having on board any person sick of a malignant fever or pestilential or infectious disease, shall, within two hours after the arrival of such sick person, report in writing the fact, with the name of such person, and the house or place where he was put down in the city, to the mayor, or some member or officer of the board of health; and any and every neglect to comply with these provisions or any of them, shall be a misdemeanor, punishable with fine and imprisonment.

Sec. 203. Any person who shall knowingly bring or procure or cause to be brought into the city any property of any kind, tainted or infected with any malignant fever or pestilential or infectious disease, shall be guilty of misdemeanor, punishable by fine and imprisonment.

Bringing certain articles into city a misdemeanor.

Sec. 204. Every keeper of an inn or boarding house or lodging house in the city, who shall have in his house at any time any sick traveler, boatman or sailor, shall report the fact, and the name of the person, in writing, within six hours after he came to the house or was taken sick therein, to the mayor, or some officer or member of the board of health; every physician in the city shall report under his hand to one of the officers above named, the name, residence and disease of every patient whom he shall have, sick of any infectious or pestilential disease, within six hours after he shall have visited such patient. A violation of either of the provisions of this section, or of any part of either of them, shall be a misdemeanor, punishable by fine and imprisonment; the fine not to exceed one hundred dollars, nor the imprisonment six months.

Inn keepers, boarding house keepers & physicians to report persons sick with infectious diseases.

Sec. 205. All fines imposed under the last five sections shall belong to the city, and when collected shall be paid into the city treasury, and be devoted to the maintenance and support of the pest-house or of any hospital that may hereafter be established by the city.

Certain sums, how applied.

Sec. 206. The common council shall have power to pass and enact such by-laws and ordinances as they from time to time shall deem necessary and proper, for the filling up, draining, cleansing, cleaning and regulating any grounds, yards, basins, slips or cellars within the said city, that shall be sunken, damp, foul, incumbered with filth and rubbish, or unwholesome, and for filling or altering and amending all sinks and privies within the said city, and for directing the mode of constructing them in future, and to cause all such work as may be necessary for the purpose aforesaid,

Powers of common council as to preserving health and cleanliness of city.

and for the preservation of the public health and the cleanliness of the city, to be executed and done at the expense of the city corporation, on account of the persons respectively upon whom the same may be assessed, and for that purpose to cause the expenses thereof to be estimated, assessed and collected, and the lands charged therewith to be sold in case of non-payment, in the same manner as is provided by law with respect to other public improvements within said city; and in all cases where the said by-laws or ordinances shall require anything to be done in respect to the property of several persons, the expenses thereof may be included in one assessment, and the several houses and lots in respect to which such expenses shall have been incurred, shall be briefly described in the manner required by law in the assessment roll for the general expenses of the city, and the sum of money assessed to each owner or occupant of any such house or lot shall be the amount of money expended in making such improvement upon such premises, together with a ratable proportion of the expenses of assessing and collecting the moneys expended in making such improvements.

*Buildings,  
walls, &c.  
liable to fall  
may be re-  
moved.*

Sec. 207. Whenever, in the opinion of the common council, any building, fence, or other erection of any kind, or any part thereof, is liable to fall down, and persons or property may thereby be endangered, they may order any owner or occupant of the premises on which such building, fence, or other erection stands, to take down the same, or any part thereof, within a reasonable time to be fixed by the order, or immediately, as the case may require, or may immediately, or in case the order is not complied with, cause the same to be taken down at the expense of the city, on account of the owner of the premises, and assess the expense on the land on which it stood. The order, if not immediate in its terms, may be served on any occupant

of the premises, or be published in the city paper, as the common council shall direct.

Sec. 208. The said board of health shall have power to appoint a clerk, whose duty it shall be to attend the meetings thereof, and to keep a record of its proceedings, and such record, or a duly certified copy of the same, or of any part thereof, shall be prima facie evidence of the facts therein contained in any court, or before any officer. The compensation of the clerk of said board of health shall be fixed by said board of health, by and with the consent of the common council, and such compensation shall be paid in the same manner as the other expenses of said board.

Sec. 209. The members of said board of health shall receive such compensation for their services as the common council shall deem reasonable, to be paid from the general contingent fund of said city.

Sec. 210. The common council, or the mayor or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer of whom a bond or instrument in writing may be required under the provisions of this act, shall examine into the sufficiency of such sureties, and shall require them to submit to an examination under oath as to their property; such oath may be administered by the mayor or any alderman of said city. The deposition of the surety shall be reduced to writing, be signed by him, certified by the person taking the same, and annexed to and filed with the bond or instrument in writing to which it relates.

Sec. 211. The mayor or chairman of any committee or special committee of the common council, shall have power to administer any oath or take any affidavit in respect to any matter pending before the common council or such committee.

Sec. 212. Any person who may be required to take any oath or affirmation under or by virtue of any provision

of this act, who shall, under such oath or affirmation, in any statement, or affidavit, or otherwise, wilfully swear falsely as to any material fact or matter, shall be guilty of perjury.

Double costs  
may be re-  
covered in  
certain  
cases.

Sec. 213. If any suit shall be commenced against any person elected or appointed under this act to any office, for any act done or omitted to be done under such election or appointment, or against any person having done any thing or act by the command of any such officer, and if final judgment be rendered in such suit whereby any such defendant shall be entitled to costs, he shall recover double costs in the manner defined by law.

Process  
against city;  
how to run;  
how served.

Sec. 214. All process issued against said city shall run against said city in the corporate name thereof, and such process shall be served by leaving a true and attested copy of such process with the mayor or clerk of said city, at least ten days before the day of appearance mentioned therein.

Bridges over  
Huron river

Sec. 215. For the purposes of building, maintaining and repairing the bridges over the Huron river, within said city, the township of Ypsilanti and the said city shall be deemed the township of Ypsilanti, as the said township existed before the passage of this act, and shall be subject to all the provisions of the general laws of this State relative to the building, maintaining and keeping in repair such bridges.

School in-  
spectors.

Sec. 216. The school inspectors to be elected under this act, together with the city clerk, who shall be *ex officio* school inspector, shall perform all the duties and be in every way subject to the general laws of this State applicable to school inspectors.

When this  
act is to  
take effect.

Sec. 217. This act shall be deemed a public act.

Sec. 218. This act shall take effect and be in force whenever the common council of the village of Ypsilanti and the president and trustees of the village of East Ypsilanti

shall carry out the provisions and requirements of section twenty of this act, and immediately thereafter all former acts and parts of acts relating to the villages of Ypsilanti and East Ypsilanti, or either of them, so far as the same affect said villages, or either of them, and all organizations under any general laws of this State for the incorporation of villages, so far as the same relate to or affect the said villages, or either of them, shall be and the same are hereby repealed; but nothing herein contained shall be construed to destroy, impair, or take away any right or remedy acquired or given by any act hereby repealed, and all proceedings commenced under any such former act shall be carried out and completed, and all prosecutions for any offence committed, or penalty or forfeiture incurred, shall be enforced in the same manner in all respects, and with the same effect, as if this act had not been passed; but nothing in this section contained shall be so construed as to annul or impair or affect any ordinance, by-law, or resolution of said villages, or either of them, not inconsistent with the provisions of this act, but the same shall continue and be in force until the same are amended or repealed, as fully as though this act had not been enacted.

Certain acts  
repealed.

Enacting  
chance.

This act is ordered to take immediate effect.

Approved February 4, 1858.

[ No. 31. ]

**AN ACT** to provide for the sale of the swamp lands, and the reclamation thereof, and to secure the pre-emption claims of settlers thereon.

**SECTION 1.** *The People of the State of Michigan enact,* That the swamp lands granted to said State by act of Congress, approved September twenty-eighth, one thousand eight hundred and fifty, shall continue under the supervision of the Commissioner of the State Land Office, and subject to sale by him, as hereinafter provided; but none of

Commissioner  
er to have  
control of  
swamp  
lands.

said lands shall be offered for sale prior to the issue of patents to the State therefor.

*Lands offered for sale.* Sec. 2. Said lands shall first be offered at public sale, by auction, but shall not be sold at a less price than one dollar and twenty-five cents per acre, which shall be the minimum price therefor, and shall be subject to entry at private sale at such minimum price, after being offered at public auction, as in this act provided, and such lands shall be sold at public and private sale in the smallest legal subdivisions required by purchasers.

*Advertisement of sale of lands.* Sec. 3. Before any such sale at auction shall be made, the said Commissioner shall forward to at least one weekly newspaper in each county of the State where a paper is published and established at the time of the passage of this act, a full description, by legal divisions, of the lands to be sold, and a notice of the time and place of such sale, to be published once in each week for four successive weeks prior to such sale, and one copy of each and every paper containing such advertisement, shall be forwarded, prepaid, to the treasurer of every county in which are situated any of the said swamp lands thus offered for sale: *Provided*, That the whole expense of such advertising shall not exceed fifteen thousand dollars.

*Sale, where made.* Sec. 4. The sales of said lands at public auction shall be made at Lansing, and if deemed practicable by the Commissioner, at Saginaw City, Lexington, Newaygo, Ontonagon, Mackinaw, Grand Haven, and such other places as said Commissioner shall deem proper; and the said Commissioner, in his notice of sale at public auction, shall name the counties in which the lands are situated that he shall offer for sale at each of the places designated. The Commissioner, or any person whom he may duly authorize to sell said lands at public auction, may, in his discretion, adjourn said sale from time to time. The purchaser at such public sale shall pay on the day of sale the purchase money to the

State Treasurer, or any person who shall be duly authorized by him to receive the same, and who shall attend the said sale, and he shall give official receipts for the money so received; and if the said purchaser shall refuse or neglect to make such payment, his bid shall be void, and the tract shall again be offered at public sale, and such person shall be liable to pay to the people of the State the difference between his bid and the price at which the said land shall be sold, (if less than his bid,) with double costs, and may be arrested therefor, and if a recovery be had, imprisoned, as in cases where it is competent to proceed against the body.

Sec. 5. All moneys heretofore received and all moneys hereafter received from the sales of said swamp lands, donated by the aforesaid act of Congress, after deducting the expenses of sales, fifty per cent. shall be denominated a primary school fund, and the interest thereof, at five per centum per annum, shall be appropriated and distributed in like manner as the primary school fund of this State; and fifty per cent. shall be denominated a swamp land fund, and the interest thereof, at five per centum, shall be paid over annually to the order of the board of supervisors of the several counties, in the proportion in which the same is received from the sales in said counties respectively, to be used as said board shall direct, in draining and reclaiming swamp lands in said county, and all the moneys received on such sales as aforesaid, after deducting the expenses as aforesaid, shall be used and applied to the payment of the outstanding indebtedness of the State, in the order in which the same shall fall due.

Sec. 6. Purchasers of said lands, whether at public or private sale, shall be entitled to receive from the Commissioner of the State Land Office, a certificate of purchase, in which he shall certify the date of such purchase, the name of the purchaser, description of the land sold,

and the price for which the same was sold; which purchase money shall be paid to the State Treasurer, or his agent, or other person duly authorized, and endorsed by him upon said certificate of purchase, and countersigned by the Auditor General, in the form now in use in the certificates of purchase of State lands. Said certificate shall also state that such purchaser, his heirs or assigns, shall be entitled to a patent for said land, to be executed by the Governor, and upon the presentation and surrender of such certificate to the Secretary of State, a patent shall issue to such purchaser or his assigns, as in cases now provided by law for the issue of patents; but no purchaser receiving such certificate or patent shall, by reason of such purchase, have any claims against the State for drainage, reclamation or other improvements of such land, which condition shall be inserted in all certificates of purchase, and all such sales shall be made subject to drainage and reclamation by the purchaser, in accordance with the act of Congress granting such land to the State.

*Statement  
of receipts  
to be pub-  
lished.*

Sec. 7. The Commissioner of the State Land Office shall publish, with his annual report, as now required by law, a statement of the receipts from sales of the swamp lands, exhibiting the amounts of sales in each county, together with the expenditures and disbursements under the provisions of this act.

*Provision in  
relation to  
actual set-  
tlers.*

Sec. 8. Any person over twenty-one years of age, who shall, at the time of purchase, either at public or private sale, make affidavit before said Commissioner of his or her intention to become an actual and *bona fide* settler upon said lands so purchased, and furnishing satisfactory evidence to said Commissioner that said land is valuable mainly for agricultural purposes, shall be allowed to purchase the same by paying at the time of such purchase twenty-five per cent. of the purchase price, and the balance of principal, at the option of the purchaser, any time

*Amount to  
be paid at  
the time of  
purchase.*

within ten years thereafter, and paying interest annually on said balance of principal; and said Commissioner shall, upon the payment of said twenty-five per cent., issue to said purchaser a certificate agreeable to the terms of said sale, which certificate shall be void if said purchaser or his assigns shall not, within one year thereafter, settle upon and become an actual and permanent resident thereon and cultivate and improve the same.

Sec. 9. Every settler or occupant of said lands at the time of the passage of this act, and who shall have been a settler thereon on the first day of December, one thousand eight hundred and fifty-seven, and which lands are valuable mainly as agricultural lands, is authorized to enter with the Commissioner of the Land Office, by legal subdivisions, any number of acres not above one-quarter section, in one body, to include his improvements; and any person owning and occupying lands adjoining any swamp lands on the first day of December, one thousand eight hundred and fifty-seven, valuable mainly for agricultural purposes, is also authorized to enter with the Commissioner of the Land Office, by legal sub-divisions, any number of acres not to exceed one hundred and sixty acres, including the land and improvements so owned and occupied by said claimant.

Occupants  
of swamp  
lands auth-  
orized to pur-  
chase.

Amount lim-  
ited.

Owners of  
adjoining  
lands.

Sec. 10. If two or more persons are settled upon and claim the same quarter section, the said quarter section shall be divided between the first two settlers, if by a line east and west, or north and south, the improvements of each can be included on a half-quarter section; and in such case each of said persons shall be entitled to enter a half-quarter section elsewhere on said lands.

Conflicting  
claims, now  
adjusted.

Sec. 11. Any person claiming pre-emption under this act, shall make proof of settlement within sixty days from the passage of this act, to the Commissioner, to his satisfaction, in such manner as hereinafter directed, and agree-

Proof of set-  
tlement, &c.  
within sixty  
days.

able to such rules and regulations as shall be from time to time prescribed by such Commissioner; and shall also, within the same time, make proof of the character and quality of said land claimed, and said Commissioner shall make entry in a book kept for that purpose, that said land is claimed.

~~Redemption rights under act.~~ Sec. 12. No person shall be entitled to more than one pre-emption right by virtue of this act, nor shall any person be entitled to any rights of pre-emption under this act, who is at the same time the proprietor of a half-quarter section of land in any State or Territory of the United States, and no section or fraction of sections included within the limits of any incorporated village or city, and no part of a lot settled and occupied for purposes of trade and not for agriculture; and no lands on which are known salines or mines shall be liable to entry by pre-emption by virtue of this act.

~~What affidavit is to be made.~~ Sec. 13. Before any person shall be entitled to enter any lands by pre-emption under the provisions of this act, such person shall make proof to the Commissioner of the State Land Office, by his affidavit and other testimony, in such manner as said Commissioner shall direct, that said land is valuable mainly as farming land, and not for timber; that he has resided upon the same since the first day of December, eighteen hundred and fifty-seven; that he or she has never had the benefit of any pre-emption under this act; that he or she is not the owner of a half-quarter section of land in any State or territory of the United States, and that he or she has not abandoned a residence on other lands still owned by him or her to reside upon said land claimed under this act; and if any such person shall swear falsely in the premises, they shall be liable to all the pains and penalties of perjury.

~~Payment, when made.~~ Sec. 14. Any person pre-empting under this act, shall, within one year from the passage of this act, pay to the State Treasurer twenty-five per cent. of the minimum price

LAWS OF MICHIGAN.

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of said land, and the Commissioner of the Land Office shall issue to him, upon the payment of said twenty-five per cent., a certificate requiring the payment of the balance of principal at any time, at the option of the purchaser, not exceeding ten years from the date of said certificate, and the payment of interest annually, and said certificate shall be void, and all payments thereon forfeited, if default be made thereon.

Sec. 15. The part paid swamp lands heretofore sold, and ~~Taxation~~ which shall hereafter be sold, shall be assessed in the same manner, and the taxes thereon shall be collected in the same manner, in all respects, as part paid primary school lands.

Sec. 16. All of said swamp lands situate in the townships of Lansing and Meridian, in the county of Ingham, and in the townships of DeWitt and Bath, county of Clinton, except such as have been occupied by persons entitled to pre-emption under this act at least thirty days next previous to the passage of this act, shall be reserved from sale by said Commissioner, and possession of the same shall be immediately delivered over to the Agricultural College for its use, and for the purposes of drainage and reclamation, in accordance with the provisions of the act of Congress donating the same to the State.

Disposition  
of certain  
swamp  
lands in  
Clinton and  
Ingham  
counties.

Sec. 17. All the provisions of law now in force, not inconsistent with this act and applicable to the public lands of this State, shall be held to apply to the said swamp lands, and all powers and duties prescribed to any public officer, or court, or prosecuting attorney, relative to the public lands, shall, if not inconsistent with this act, be exercised and performed in relation to said swamp lands.

Existing  
laws to ap-  
ply to  
swamp  
lands.

Sec. 18. The provisions of act number 106, approved February 14th, 1857, except the tenth and eleventh sections thereof, are hereby repealed.

Sec. 19. This act is ordered to take immediate effect.

Approved, February 4, 1858.

[ No. 32. ]

~~Sections  
enumerated~~  
**AN ACT** to amend an act entitled an act to provide for assessing property at its true value, and for levying and collecting taxes thereon, approved February 14th, 1853, and an act amendatory thereto, approved February 12th, 1855.

~~Sections  
enumerated~~  
**SECTION 1.** *The People of the State of Michigan enact,* That sections eight, eleven, eighteen, twenty, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-nine, thirty-three, thirty-eight, forty, forty-three, fifty-three, sixty-one, sixty-eight, eighty, eighty-eight, eighty-nine, ninety-one, ninety-nine, one hundred and one, one hundred and two, one hundred and three, one hundred and ten, one hundred and twenty-four, one hundred and thirty, one hundred and thirty-three, one hundred and thirty-five, one hundred and forty-two, one hundred and fifty-four, one hundred and fifty-five, and one hundred and fifty-six of said acts are hereby amended so as to read as follows:

~~Cases ex-  
cepted~~  
Sec. 8. The excepted cases referred to in the preceding section, and not included in said section three, are the following:

1st. All goods, wares and merchandise, or stock in trade, including stock employed in the business of the mechanic arts, in any township other than where the owners reside, shall be taxed in the township where the same may be, if the owner hire or occupy a store, shop or warehouse therein, and shall not be taxable where the owner resides.

2. All horses, mules, neat cattle, sheep and swine, kept throughout the year in any township other than where the owner resides, shall be assessed to such owner in the township where they are kept.

3. All personal property belonging to minors under guardianship, shall be assessed to the guardian in the township where he is an inhabitant, and the personal

property of every other person under guardianship, shall be assessed to the guardian in the township of which the ward is an inhabitant.

4. All personal property held in trust by any executor, administrator or trustee, the income of which is to be paid to any married woman or other person, shall be assessed to the person having possession or charge of such property, in the township of which he is an inhabitant, whether such married woman or other person reside within or without this State.

5. Personal property placed in the hands of any corporation as an accumulating fund, for the future benefit of heirs or other persons, shall be assessed to the persons for whose benefit the same is accumulating, if within this State; otherwise to the person so placing it, or his executors or administrators, until a trustee shall be appointed to take charge of such property, or of the income thereof.

6. The personal estate of persons deceased, which shall be in the hands of executors or administrators, shall be assessed to the executors or administrators in the township where the deceased last dwelt, until they shall give notice to the supervisor that the estate has been distributed and paid over to the parties interested.

7. All property held by any religious society as a ministerial fund, shall be assessed to the treasurer of such society; and if such property consists of real estate, it shall be taxed in the township where such property lies; if it consists of personal property, it shall be taxed in the township where such society usually holds its meetings.

Sec. 11. Any person holding a part paid certificate of purchase of university, primary school, State building, swamp or salt spring lands, or occupying the same, shall be liable to be assessed therefor, as if he were the actual owner thereof: *Provided however,* That the same shall be assessed as personal property and not as real estate, and the

University,  
pri. school,  
St. building,  
swamp and  
salt spring  
lands.

tax thereon shall be collected in the manner hereinafter prescribed.

*Supervisor  
to furnish  
blank forms.*

Sec. 18. It shall be the duty of each supervisor, on or before the second Monday in May, to call upon each taxable person in his township, at their residence, boarding place, or usual place of business, at which time he shall furnish each taxable person a blank form for the statements required by the fifteenth section of this act; and thereupon said taxable person shall forthwith make and deliver to said supervisor a full and true statement of the taxable property in his possession, according to the provisions of this act; and immediately thereafter, the said supervisor shall proceed to examine said property, and estimate, and set down the true value thereof, deducting from the moneys at interest and other credits of such person, the amount of money upon which he or she pays interest, together with his other bona fide indebtedness, as set forth in said statement.

*Taxable per-  
son to make  
and deliver  
statement to  
supervisor.*

*Supervisor  
to ascertain  
& set down  
true value  
thereof.*

*When as-  
essment to  
be received  
and comple-  
ted.*

Sec. 20. On the third Monday of May, it shall be the duty of the supervisors of the several townships to be present at their respective offices, from eight o'clock in the forenoon until twelve, noon, and from one o'clock in the afternoon till five o'clock in the afternoon, for the purpose of reviewing their assessments, and so on the two next following days, in case they shall have any matter before them for their action under this section; and on the request of any person, his agent or attorney, considering himself aggrieved, on sufficient cause being shown to the satisfaction of the supervisor, he shall alter the assessment as to the valuation thereof, and he shall also, upon sufficient cause being shown by any credible person on behalf of any other person whose property is assessed, alter the assessment in such manner as shall to him appear just and equal; and to this end he may in either case examine on oath the person making the application, or any other person present,

*May alter  
assessment  
as to valua-  
tion.*

*Supervisor  
may admin-  
ister oath.*

touching the matter, which oath the supervisor is hereby authorized to administer.

See. 23. The description of real estate may be as follows: Real estate,  
how described  
etd.

1. If the lands to be assessed be an entire section, it may be described by the number of the section, township and range;

2. If the tract be a sub-division of a section authorized by the United States for the sale of the public lands, it may be described by a designation of such sub-division, with the number of the section, township and range;

3. If the tract be less or other than such sub-division, it may be described by a designation of the number of the lot or other lands by which it is bounded, or in some way by which it may be known;

4. In case of lands surveyed or laid out as a town, city or village, and a plat thereof recorded in the register's office of the county, if the tract to be assessed be a whole lot or block, it shall be described by a designation of the number thereof; if it be a part of a lot or block, it may be described by its boundaries, or some other way by which it may be known, and it shall not be necessary to insert the quantity of such land in the assessment roll. When any lands have been, or hereafter shall be laid out as a town, city or village, or as an addition of any town, city or village, and the same has not been duly recorded in the register's office of the county, and any one or more of the lots have been or may be sold by the numbers thereof, according to the plat of said town, city or village, or addition thereto, such land, laid out as aforesaid, may, in the discretion of the supervisor, be assessed in whole or in part, according to the sub-division as represented on the plat of said town, city or village, or in some other way by which it may be known; and if such sub-division or parcel be a whole lot or block, it shall be described by a designation of the number thereof; if it be a part of a lot or block, such part shall be Description  
of city or vil-  
lage proper-  
ty.

defined, or it shall be described by its boundaries, or in some other way by which it may be known; and it shall not be necessary to insert the quantity or contents of such land in the assessment roll;

5. If the land to be assessed be a tract of which the sub-division is not known to the supervisor, it shall be entered upon the roll by the boundaries thereof, or in some other way by which it may be known;

Undivided shares. 6. Undivided shares or interests in lands shall be assessed to the owner thereof, if such ownership is known to the supervisor, and no tract in the same section known to the supervisor to have been originally entered as one parcel, shall be sub-divided in assessing, unless the fact of a sub-division having been made known to the supervisor;

7. It shall be sufficient to describe lands to be assessed or sold for taxes in the manner heretofore in use by initials, letters, abbreviations and figures.

Non-resident lands. Sec. 24. All lands unoccupied and not claimed to be owned by any resident of the township where they are situated and not exempt from taxation, may be assessed as non-resident lands or to the person supposed by the supervisor to be the owner thereof, and it shall be the duty of the supervisor to enter the same on a part of the roll separate from that upon which the estates of residents are entered, and when real estate is occupied it may be assessed to the occupant or supposed owner or person exercising control over the same. When a person is assessed as a trustee, guardian, executor, or administrator, a designation of his representative character may be added to his name, and such assessment shall be entered on a separate line from his individual assessment.

Property held in trust, &c. Sec. 25. When the supervisor has reviewed and completed the assessment roll, it shall be his duty to attach thereto, signed by him, a certificate which may be in the following form: "I do hereby certify that I have set down in the

above assessment roll, all the real estate in the township of \_\_\_\_\_ liable to be taxed, according to my best information, and that I have estimated the same at what I believe to be the true cash value thereof; that the said assessment roll contains a true statement of the aggregate valuation of the taxable personal estate of each and every person named in said roll, and that I have estimated the same at its true cash value, according to my best information and belief."

Sec. 26. It shall be the duty of the township clerk of each township, on or before the second Monday of October of each year, to deliver to the supervisor of his township a statement of the money to be raised therein for township purposes, and the amount voted for the maintenance and support of common schools, and the township library, stating the amount of each as well as the aggregate amount.

Clerk of  
township to  
deliver  
statement of  
amount of  
money to be  
raised for  
township  
purposes.

The board of supervisors in each county shall, at their session in October in each year, examine the assessment roll of the several townships, and ascertain whether the relative valuation of the real estate in the respective townships has been equally and uniformly estimated. The supervisor and assessors shall be allowed for their services in assessing property and copying the tax rolls, and for extending the taxes thereon, at the rate of one dollar and fifty cents for each day actually and necessarily spent in perfecting the same, which shall be verified, audited and paid in the townships in the same manner provided by law for the payment of other township officers, and they shall receive payment from no other source.

Board of su-  
pervisors to  
examine as-  
sessment  
roll.

Supervisor  
allowed \$1  
50 per day  
for services,  
etc.

Sec. 27. If, on such examination, they shall deem such valuation to be relatively unequal, they shall equalize the same, by adding to or deducting from the valuation of the taxable property in the township or townships, such an amount as in their judgment will produce relatively an equal and uniform valuation of the real estate in the county,

How assess-  
ment equal-  
ized.

and the amount added to or deducted from the valuation in each township shall be entered upon the records.

*Corrected  
roll to be  
certified and  
delivered to  
supervisor.*

Sec. 29. After the assessment shall have been equalized, and the descriptions corrected, as provided in the two last preceding sections, it shall be the duty of the chairman of the board to make and sign a certificate upon, or appended to the roll of each township, which certificate may be in the following form, to wit :

"I do hereby certify that the board of supervisors have equalized and corrected the within roll, by adding to or deducting from the valuation of the real estate made by the supervisor thereon, or without adding to or deducting from the valuation of the real estate made by the supervisor, as the case may be, and have determined the aggregate value of the taxable property in the township of \_\_\_\_\_ to be \_\_\_\_\_ dollars and \_\_\_\_\_ cents, for the year eighteen hundred \_\_\_\_\_; which assessment roll, certified as aforesaid, shall be delivered to the supervisor of the proper township, whose duty it shall be to file and keep the same in his office.

*How taxes  
assessed by  
supervisor.*

*Collecting  
expenses not  
to be more  
than four  
nor less  
than two  
per cent.*

*May add to  
amount to  
be raised to  
avoid frac-  
tions in ex-  
cess.*

Sec. 33. The supervisor of each township shall proceed to assess taxes for the amount specified in such certificate, together with a tax for the amount of money to be raised by his township, adding thereto, and to all other taxes required by law to be assessed by him, not more than four nor less than two per cent., as shall be determined by the electors at their annual meeting, at the same time and in the same manner that overseers of highways are elected, for collecting expenses, upon the taxable property in the township, according and in proportion to the individual and particular estimate and valuation specified in the assessment roll of the township for the year, and for the purpose of avoiding fractions in excess in said tax, may add to the several amounts to be raised, on a sum not exceeding one hundred dollars, five per cent. or under, on a

sum over one hundred dollars and not exceeding four hundred dollars, three and a half per cent. or under, on a sum not exceeding one thousand dollars and over four hundred dollars, two per cent. or under, and on any sum exceeding one thousand dollars, not over one per cent.; said excess, more or less, to be paid into and to belong to the contingent fund of the township or ward where assessed.

Sec. 38. The taxes assessed upon any real estate of any resident or non-resident, and all legal charges made thereon, shall be a charge against the person owning the same on the second Monday of April, and shall be a lien on said real estate from the fifteenth day of November of the year in which such real estate was assessed.

Sec. 40. In case any person shall refuse or neglect to pay the tax imposed on personal or real estate belonging to him, the treasurer shall levy the same by distress and sale of the goods and chattels of said person, whenever the same may be found within his township.

Sec. 43. If the property distrained shall be sold for more than the amount of the tax and collection fees, the surplus shall be returned to the person in whose possession said property was when the distress was made.

Sec. 53. Upon making an affidavit to be annexed to such statement before the county treasurer or his deputy duly appointed, or before any officer authorized to administer oaths, that the sums mentioned in such statement remain unpaid, and that he has not upon diligent inquiry been able to discover any goods or chattels belonging to the person charged with or liable to pay such sums, whereupon he could levy the same, the township treasurer shall be credited by the county treasurer with the amount thereof, and for making the return aforesaid, he shall be entitled to recover [receive] one dollar and fifty cents, and six cents per mile, traveling fee one way, to be allowed and paid to him by the county treasurer, together with

Taxes to be  
a charge  
against the  
owner of re-  
al estate on  
2d Monday  
of April.

When taxes  
to be a lien  
on real es-  
tate.

Proceedings  
in case of re-  
fusal to pay.

Surplus,  
how disper-  
ed etc.

Affidavit of  
town treas-  
urer at time  
of making  
return.

Compensa-  
tion for mak-  
ing return.

two per cent. on all taxes returned as delinquent; but no such treasurer shall be allowed more than ten dollars, including said two per cent. for making his return.

*Collecting officer to give receipt on payment of taxes.*

Sec. 61. The township treasurer or other collecting officer, on receipt of any tax, shall give a receipt for the same, and shall note on his tax roll the payment thereof, and if any such treasurer or other collecting officer shall wilfully return to the county treasurer as unpaid any taxes which have been paid to him, except when the same have been doubly assessed, he shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding five hundred dollars, or both, in the discretion of the court, and be liable, together with the surety in his bond, to any person injured by such false return to the full amount of any loss sustained thereby.

*Penalty for wrongfully returning lands.*

Sec. 68. If the taxes on any real estate, assessed to a resident or owner thereof, shall be returned unpaid, the same proceedings shall be had thereon in all respects as in cases of lands assessed as non-resident, and with like effect.

*Real estate assessed to residents; proceedings on return of*

Sec. 80. The cost of printing and publishing such statement shall not exceed forty (40) cents for each description of land so advertised, and no printer shall be paid for publishing any such statement, who shall not forward to the Auditor General within (20) twenty days after the last publication thereof an affidavit made by some person to whom the facts are known, stating such publications, and also that he has transmitted to each county treasurer, by mail, copies of the two first numbers of his paper containing such statement, immediately after their publication:

*Cost of printing.*

*Where statement to be published* *Provided however,* That such statement shall be published in a newspaper in the county in which the sale takes place, if there be one; and if no newspaper be printed in such county, then such statement shall be published in an ad-

joining county, or in a newspaper published in the next nearest county to the county in which such sale takes place.

Sec. 88. At the sale aforesaid the respective county <sup>Certificate of  
Sale, &c.</sup> treasurers shall give to the purchasers, on the payment of their bids, a certificate in writing, describing the lands purchased, and the amount paid therefor, and such certificate shall be regularly numbered and a copy of each forwarded by the county treasurers to the Auditor General in such manner as he shall direct.

Sec. 89. On presentation of such certificate of sale to <sup>Deed to  
purchaser.</sup> the Auditor General after the expiration of the time provided by law for the redemption of land sold as aforesaid, he shall execute to the purchaser, his heirs, or assigns, a deed of the land therein described, unless he shall have discovered that the taxes for which said lands were sold had been paid according to law, which deed shall be *prima facie* evidence of the regularity of all the proceedings from the valuation of the lands by the assessors to the date of the deed inclusive, and of title (in fee) in the purchaser, and every such deed when witnessed and acknowledged in the manner prescribed by law for witnessing and acknowledging deeds in other cases, and after it shall have been on record two years in the office of the register of deeds of the county in which the lands therein described are situated shall, except :

First. When the same shall be annulled according to law;

Second. When the land sold was not subject to taxation at the date of the assessment of the taxes for which it was sold;

Third. When the taxes have been paid to the proper officer within the time limited by law for the payment or redemption thereof; or

Fourth. When a certificate that no taxes were charged against the land has been given by the proper officer within

the time limited by law for the payment or redemption thereof;

Be positive evidence that the lands therein described were by such deed conveyed in fee simple to the grantee therein named and his heirs and assigns, and no suit of ejectment shall be commenced to recover said lands, or title thereto sustained thereafter by any person claiming or holding possession or title through any other source.

*How lands  
may be re-  
deemed  
from sale.*

Sec. 91. Any person owning any of the lands, sold as aforesaid, or any interest therein, may, at any time within one year next succeeding such sale, redeem any parcel of said lands, or any part or interest in said lands, by showing to the satisfaction of the Auditor General or county treasurer that he owns only that part or interest in the same which he proposes to redeem, and by paying at his option, into the State treasury, or to the treasurer of the county where such land is situated, the amount for which such parcel was sold, or such portion thereof as the part or interest redeemed shall amount to, with interest thereon at the rate of twenty-five per cent. per annum; of which interest twenty per cent. shall be paid by the State Treasurer to the purchaser, and five per cent. shall belong to the State and be passed to the credit of the general fund.

*Proceedings  
in case of  
irregularity.*

Sec. 99. If the Auditor General shall discover before the sale, or before the conveyance of any lands, as aforesaid, that the same were not subject to taxation at the date of the assessment of the taxes, or that the taxes have been paid, he shall forbear to cause the same to be sold, or withhold a conveyance after sale, as the case may be; and in such case, if a sale has been made, he shall, on demand, cause the money paid therefor to be refunded, with seven per cent. interest thereon.

Sec. 101. Any person having an interest in any lands sold as aforesaid by the Auditor General, other than such

as hold or claim to hold under a tax title, whether in his own right, or in trust, or as executor, administrator, guardian or trustee, may, at any time within two years from the date of the deed, and in cases of sales at any time heretofore made, within two years from the time this act shall take effect, and not after that period, present a petition to a circuit court commissioner of the county in which the land or a part thereof is situated, setting forth that the taxes have been paid, or that he had [has] good ground to believe and does believe that there are irregularities in the assessment or other proceedings, affecting the rights of such party in interest, and especially setting forth each and all the objections and alleged errors on which he relies, and the names and residences of all persons having any interest in the lands under the tax sale and deed, which petition shall be verified by the affidavit of the person presenting the same, or by his agent or attorney, to be attached to such petition: *Provided*, That he may present such petition at any time:

1st. When the land sold was not subject to taxation at the date of the assessment of the taxes for which it was sold;

2d. When the taxes have been paid to the proper officer within the time limited by law for the payment or redemption thereof;

3d. When a certificate that no taxes were charged against the land has been given by the proper officer, within the time limited by law for the payment or redemption thereof.

On the presentation of such petition, such commissioner shall make and endorse thereon an order for receiving evidence, and for taking the examination of witnesses on the part of the parties to said petition, before him, in the matter of said petition; and shall in said order fix the time, not less than twenty days from the presentation of the petition, and the place in his county when and where he will pro-

Petition and  
order  
made of  
proceeding  
thereon.

ceed to take such evidence or examination of witnesses. A copy of such petition, affidavit and order, shall be served upon the person or persons holding such tax title, or claiming any interest therein in law or equity, if residing in the county, and in the same manner prescribed for the service of a summons from the circuit court, at least twenty days before the commissioner shall take such evidence or examination. If such person or persons reside in any other county in this State, the commissioner shall allow such further reasonable time for making such service, and the appearance of such parties, as shall be just; and after the first time fixed for the hearing, the commissioner shall, upon the application of any party to the petition, and upon good cause shown, continue the hearing from time to time for the purpose of taking the evidence. In case any party entitled to such service is not a resident of this State, and cannot be served as aforesaid, on filing an affidavit of that fact with the commissioner, the petitioner shall be entitled to an order of the commissioner for the appearance of such party, such as is or may be authorized by law for the appearance of such parties in suits in chancery in the circuit courts, which order shall be published as required by law in such suits; or in case of failure of appearance in accordance with such order, the commissioner may proceed *ex parte* to take the evidence and examination, and the same shall be binding on the parties failing to appear. All statutes and rules of the circuit court sitting in chancery, in force during the pending of such petition before the commissioner, touching infants and persons under guardianship, as parties to a suit, shall, so far as may be, apply to the proceeding before the commissioner, and he shall apply the same. The commissioner shall have power to administer oaths to all such witnesses, who may be examined and cross-examined, and who shall subscribe to their respective depositions; and the commissioner may take all affidavits

requisite in the matter, and may issue subpoenas, which may be served on witnesses in any part of the State. And when the evidence and the examination of witnesses shall be completed, the commissioner shall certify them; [and,] thereupon, and within four days thereafter, render his decision thereon, and within ten days after the rendition of said decision or judgment, either party, or any person interested in such proceeding, may appeal therefrom to the circuit court for the county in which such proceedings may be had, by giving notice in writing of his intention to appeal, and such commissioner shall within ten days after receiving notice of such appeal, file the petition, certified copies of all his orders, the originals of all proofs of service and depositions taken by him, together with his decision, in the office of the clerk of the circuit court of his county, and shall in his return set forth, briefly, all objections taken before him, to any portion of the evidence, to the competency thereof, or to any order made by him. And upon such filing, the circuit court shall have jurisdiction of the matter, and full power and authority to determine all questions of law or fact therein, and to render judgment annulling or affirming the title in controversy, which judgment shall be rendered and recorded like other judgments in said court, subject to be reviewed on writ of *certiorari*, by the supreme court, at any time within two years: *Provided however*, That on the application of any party to said petition, to the circuit court, he or they shall be entitled to have any issue of fact arising in the matter, tried by a jury, in which case the court shall, by order, cause the issue to be made up and tried, as in other cases of trial of issues of fact.

Sec. 102. Whenever any judge of the circuit court shall have annulled, for any of the reasons enumerated in the preceding section, the title to any description of land conveyed in any deed executed by the Auditor General as

Commissioner  
or shall certi-  
fy his de-  
cision.

Party ag-  
grieved may  
appeal to  
the circuit  
court.

Clerk of the  
circuit court  
to deliver  
certified co-  
py of judg-  
ment.

*Register to record, &c.,*

aforesaid, or any part thereof, the clerk of the circuit court of the county in which the land is situated, shall, on application of either party, and the payment of fifty cents, make and deliver to such party, a certified copy of such judgment. And whenever such copy of judgment shall be presented to the register of deeds of said county, where said deed shall have been recorded, the register shall record the same, and make a short written memorandum on the margin or face of the deed of the description of the land, and that the title has been annulled or affirmed, as the case may be, and the date of the judgment, and of the recording thereof.

*Aud. Gen'l to certify to county treasurer.*

Sec. 103. In all cases where lands sold for taxes have been conveyed by deed, and the title has been annulled pursuant to law, the Auditor General shall, on presentation of a copy of the judgment annulling the same, refund to the holder of said title the purchase money and interest thereon, as the law requires, and certify the fact to the proper county treasurer.

*Co. treasurer to lay statement before board of supervisors.*

Sec. 110. The county treasurer receiving such certificate of the Auditor General, shall lay the same before the board of supervisors at their next session thereafter, and if such taxes shall have been rejected or charged back by the Auditor General for any error or informality, excepting an insufficient description of the land, or for the reason that it was not subject to taxation, the board of supervisors shall cause the same to be re-assessed upon the same land, and collected with the taxes of the then current year, and in the same manner.

*Aud. Gen'l to execute deed for St. tax land.*

Sec. 124. The Auditor General shall, on the presentation and surrender of the State tax land certificate of sale at his office, or as soon thereafter as may be, (except in cases where the land has been previously sold at the Auditor General's office, or redeemed, when the purchase money only shall be refunded) execute a deed of the land to the

purchaser or his assigns, which shall convey all the right acquired by the State under the original sale or sales. And such deed shall be *prima facie* evidence of the legality of all the proceedings to the date of the deed, and of the title in fee, in the grantee therein named; and when duly acknowledged, may be recorded and admitted as evidence in the same manner as other deeds of conveyance; and every such deed, when witnessed and acknowledged in the manner prescribed by law for witnessing and acknowledging deeds in other cases, and after it shall have been recorded for two years in the office of the register of deeds, in the county in which the land therein described is situated, shall, except:

First. When the same has been annulled according to law;

Second. When the land sold was not subject to taxation at the date of the assessment of the taxes for which it was sold;

Third. When the taxes have been paid to the proper officer within the time limited by law for the payment or redemption thereof; or

Fourth. When a certificate that no taxes were charged against the land has been given by the proper officer within the time limited by law for the payment or redemption thereof;

Be conclusive evidence that the land therein described was by such deed conveyed in fee simple to the grantee therein named, and his heirs and assigns; and no suit of ejectment or other suit for the recovery of possession shall be thereafter commenced to recover said lands, nor the title thereto [sustained] by any person claiming or holding possession or title through any other source.

Sec. 130. All the provisions of this act relative to deeds executed by the Auditor General, on the surrender of certificates of sale of State tax lands, issued by the several

What pro-  
visions ap-  
plicable to  
State tax  
land deeds.

county treasurers, shall be applicable to deeds executed by him for lands purchased at his office pursuant to the provisions of this act.

Who to be made defendant in case of prosecution of ejectment. Sec. 133. In case it shall become necessary in the prosecution of an action of ejectment by any person holding an adverse claim to any land bid in for the State, as provided in this chapter, the Auditor General may be defendant, and in all cases in the prosecution or defence of an action of ejectment or trespass, by any person holding or claiming land, under any deed or deeds or other conveyance of land bid off or purchased for delinquent or unpaid taxes, the party so claiming, under and by virtue of such purchase for unpaid taxes as aforesaid, may show his title to said land and premises, whether the same was derived under one or more purchases or sales for taxes or otherwise, and may give in evidence any and all deeds of conveyance or other evidence of such purchase as aforesaid, which he may at any one or more different times have received on sales for taxes, and may claim title under any or all of them.

When State requires absolute title to tax lands. Sec. 135. Any description of land bid off to the State at the annual sales, which shall have remained undisposed of for five years from the date when it was so bid off, shall vest in the State an absolute title in fee simple, and no suit of ejectment shall be commenced to recover said lands or title thereto, [or be] sustained thereafter by any person claiming or holding possession or title through any other source; but such lands shall be subject to sale at any time by payment in like manner as other State tax lands, the amount of taxes due thereon and interest at the rate of ten per cent; and after the expiration of five years, as aforesaid, said lands shall be stricken from the assessment roll, but shall be restored thereto after the same shall have been sold.

When lands to be struck from assessment roll. Sec. 142. If any township clerk or supervisor shall wilfully neglect or refuse to perform any of the duties re-

quired of him by the provisions of this chapter, he shall forfeit and pay a sum not exceeding five hundred dollars to any person injured by each [case of] such neglect, but such sum shall not exceed the injury sustained.

Sec. 154. In all cases of sales of land for taxes, if the purchaser or his assigns shall die before a deed shall be executed on such sale, the deed may be executed by the Auditor General to and in the name of such deceased person, if such person being still alive would be entitled to the same; which deed shall vest the tax title in the heirs or devisees of such deceased person in the same manner and liable to like claims of creditors and other persons as if the same had been executed to such deceased person immediately previous to his death; or the deed may issue to the assignee of said deceased person, [his] executors or administrators; and in like cases which have heretofore occurred, the same rules shall apply, and [to] all deeds heretofore issued in the name of any deceased person, who, if living at the time of the execution thereof, would have been entitled to said deed as above provided.

Sec. 155. The supervisor of every township in which there shall be assessed the interest of any purchaser of university, primary school, State building, normal school, asylum, swamp or salt spring lands, as personal property, shall, on or before the first day of November, in the year when the same was so assessed, transmit to the treasurer of his county a list of all such lands, containing a full description thereof, together with the names of the persons to whom the same was so assessed.

Sec. 156. That the several county treasurers shall at the same time and in the same manner they are now required to return to the office of the Auditor General, lands delinquent for taxes in their respective counties, return to the State land office a statement of all university, primary school, State building, normal school, asylum, swamp and

salt spring lands, upon which, from returns made to them by the township treasurer, it appears the taxes assessed have not been paid and cannot be collected.

Improvements made  
by purchasers  
on under  
this act to  
be paid for.

Sec. 157. If any person dispossessed of lands purchased in pursuance of the provisions of this act shall have made valuable improvements thereon, he shall be entitled to receive what such improvements are reasonably worth, to be assessed on the trial of said cause, and the same so assessed shall be a lien on said land till paid.

Sec. 158. This act is ordered to take effect fifty days after its approval.

Approved February 4, 1858.

## JOINT RESOLUTIONS.

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[ No. 1. ]

**JOINT RESOLUTION** relative to an appropriation of a grant of land for the endowment of the Michigan Agricultural College.

*Whereas*, A memorial has been presented to Congress by the Board of Education, and the president and faculty of the "Michigan Agricultural College," praying for a grant of land as an endowment of said Michigan Agricultural College; and,

*Whereas*, We believe that the practical working of the Michigan Agricultural College fully vindicates the feasibility and correctness of the principles upon which it is founded; therefore,

*Resolved*, That our Senators in Congress be instructed, and our Representatives requested to use all honorable means to secure the passage of a law in accordance with the memorial.

*Resolved*, That the Governor be requested to forward copies of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

Approved January 29, 1858.

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[ No. 2. ]

**JOINT RESOLUTION** relative to the protection and permanent security of the St. Mary's Falls Ship Canal.

*Whereas*, It appears by the report of the Superintendent of the St. Mary's Falls ship canal, that during the past sea-

## JOINT RESOLUTIONS.

son, owing to the unavoidable action of frost upon the embankments, leaks have occurred in various portions of the same, and in two instances breaks of a serious and alarming character;

*And whereas,* It appears that some further expense is necessary in securing the said embankment, and in the erection of an additional set of gates to facilitate the navigation of said canal; therefore,

*Resolved,* That our Senators in Congress be instructed, and our Representatives in that body be requested to use all proper means, to secure by Congress, such appropriation as may be necessary to render the above work permanent and secure.

*Resolved,* That the Governor be requested to transmit copies of the foregoing preamble and resolution, together with copies of the report of the late Superintendent of the canal, to each of our Senators and Representatives in Congress.

Approved, January 30, 1858.

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[ No. 3. ]

JOINT RESOLUTION relative to a Northern Pacific Rail Road.

*Whereas,* an immense commerce has within a few years grown up on our Pacific coast, which is continually increasing in importance, and the benefits of which commerce is increasing and accruing to other countries, in consequence of the difficulties, delays and dangers attending travel and transportation to and from our eastern and western ocean ports, by the long, dangerous and fatiguing route of the oceans, gulfs and isthmus;

*And whereas,* A vast domain, lying between our western States and the Pacific, remains and must ever remain waste

## JOINT RESOLUTIONS.

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and undeveloped, without some safe, easy and commodious means of conveyance through our western territories;

*And whereas,* Such means of conveyance would not only facilitate the settlement and cultivation of a region that can never be improved without it, but would open the heart of a continent to the poor but enterprising working men of the older States—substitute for worthless wilds, cultivated fields, the great source of all wealth, and open to us a commerce of the greatest magnitude;

*And whereas,* The cost of providing such means of conveyance would be more than returned by the increased value of our now waste and unproductive lands, and is scarcely worthy a moment's consideration in view of the immediate and lasting benefits which would necessarily accrue, upon furnishing such means of intercommunication from ocean to ocean through our entire domain which must ultimately revolutionize the commerce of the world and centralize the trade of Europe and Asia from opposite directions, with the productions of every clime, in the "New Republic" of America; therefore,

*Resolved,* That our Senators and Representatives in Congress be requested to urge the passage of a law granting public lands to aid in the construction of a railroad from the Mississippi river to the Pacific ocean, upon or near the line known as the "Stevens" or "Northern Pacific Railroad" route; and also for the passage of a law granting public lands in the State of Michigan to aid the construction of a railroad to aid in forming a connection between said Northern Pacific Railroad and the eastern States, on the line of the Grand Trunk and Great Western Railways, to commence at Port Huron, in the State of Michigan, and terminate at some point on the Montreal River, on the western boundary of the Upper Peninsula of the State of Michigan.

*Resolved,* That the Governor of this State be requested

**JOINT RESOLUTIONS.**

to transmit, as soon as the same can be done, to each of the Senators and Representatives in Congress from this State, a copy of the foregoing preamble and resolution.

Approved January 30, 1858.

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[ No. 4. ]

**JOINT RESOLUTION** in relation to granting the public lands of the United States to actual settlers.

*Whereas*, There is a bill now pending before Congress granting to actual settlers a homestead, free of cost; therefore,

*Be it resolved by the Senate and House of Representatives*, That in the name and by the authority of the people of the State of Michigan, we respectfully demand of our Senators and earnestly ask of our Representatives in Congress, to use their best exertions to secure the immediate passage of the homestead bill.

*Resolved*, That the Governor be requested to forward copies of the foregoing preamble and resolution to our Senators and Representatives in Congress.

Approved, February 2, 1858.

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[ No. 5. ]

**JOINT RESOLUTION** of Instruction to our Senators and Representatives in Congress, urging the passage of an act of Congress making appropriations for the improvement of certain harbors.

*Whereas*, By the ordinance of 1787, the inland waters of the States and Territories of the United States are declared to be common highways, forever free to the citizens of said States and Territories and therefore necessarily beyond the care and control of local legislation, but essentially within the province of the General Government.

## JOINT RESOLUTIONS.

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*And whereas,* The immense commercial interest involved in the successful navigation of said waters, as well as the great floating capital invested in commerce, wherein citizens of the Union at large are more or less concerned, and the security, wealth and prosperity of the union are eminently concerned;

*And whereas,* The protection of such varied and general interests, is necessarily dependant upon safe and accessible harbors, into which shipping may repair for safety from the frequent storms which vex and imperil its security; the removal of obstructions to navigation, and the improvement of harbors for the free ingress and egress of such shipping interest, are absolutely essential to the maintenance of commerce, and the necessary legislation and protection thereof, inevitably national in their character, as repeatedly recognized by appropriations from the Federal Government. Therefore, be it

*Resolved by the Senate and House of Representatives of the State of Michigan,* That our Senators in Congress be instructed, and our Representatives requested to use every honorable exertion to procure the passage of an act of Congress making suitable appropriations for the improvement of the following harbors, to wit: New Buffalo, St. Joseph, Kalamazoo, Black Lake, Grand River, Muskegon, White River, Pere Marquette, Manistee, Saginaw Bay, Monroe, Thunder Bay, Marquette, Ontonagon, Mackinac and Cheboygan.

*Resolved,* That the Governor be requested to forward copies of the foregoing preamble and resolution to our Senators and Representatives in Congress.

Approved February 3, 1858.

**JOINT RESOLUTIONS.**

[ No. 6. ]

**JOINT RESOLUTION** relative to the extension of slavery.

*Whereas*, The people of the State of Michigan have shown an unyielding hostility to the further extension of slavery, by a large majority, at every election since eighteen hundred and fifty-four, (1854,) when their will could be expressed in reference to that subject;

*And whereas*, The Legislature of the State of Michigan have on two several occasions instructed their Senators and requested their Representatives to act in accordance with the above expressed sentiment, in Congress, which instructions have been by some of those thus instructed, wholly disregarded; therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan*, That our Senators be instructed and our Representatives requested to use all proper means to prevent the further extension of slavery in the territories of the United States, or the admission of any more slave States into the Union; to oppose the admission of Kansas into the Union under the Lecompton constitution, or any constitution maintaining slavery therein;

*Resolved*, That the Governor be requested to forward copies of the foregoing preamble and resolution to our Senators and Representatives in Congress.

Approved, February 8, 1858.

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[ No. 7. ]

**JOINT RESOLUTION** relative to the indebtedness of the county of Washtenaw to the State.

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the Auditor General is hereby authorized to settle with the county of Washtenaw upon just

## JOINT RESOLUTIONS.

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and equitable terms, as shall appear for the best interest of the State and county of Washtenaw.

This resolution shall take immediate effect.

Approved, February 3, 1858.

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[ No. 8. ]

### JOINT RESOLUTION providing for the distribution of Highway Laws to certain Township Officers.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Secretary of State be and he is hereby instructed to procure to be printed in pamphlet form, the laws passed during this session of the Legislature relative to highways and the duties of commissioners of highways, and that he forward to each of the county clerks a sufficient number of copies of said laws to furnish one copy to each township clerk and highway commissioner in each organized township.

This resolution is ordered to take immediate effect.

Approved, February 3, 1958.

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[ No. 9. ]

### JOINT RESOLUTION relative to the distribution of the Session Laws, Journals and Documents of the Legislature of the year 1858.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the members and officers of the present legislature be and they are hereby entitled to one copy of the session laws passed in the year eighteen hundred and fifty-eight; also, the journals and documents of the legislature of said year; and the Secretary of State is hereby authorized and directed to forward one copy of each to the several members and officers of this legislature by forwarding the same to the county clerk of the several counties of this State, in which the members and

## JOINT RESOLUTIONS.

officers reside, as soon as the same are printed, bound and ready for delivery.

This resolution is ordered to take immediate effect.

Approved February 3, 1858.

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[ No. 10. ]

**JOINT RESOLUTION** relative to the Saginaw and Cheboygan [State] road.

*Whereas*, The northern portion of our Peninsula is now, and has always been inaccessible for the want of wagon roads, which cause has retarded emigration to that part of the State, rich in agricultural and mineral resources, and abounding in the finest forests in the world;

*And whereas*, The opening of roads into those regions would induce immediate emigration and settlement upon the public lands belonging to the State and to the United States;

*And whereas*, A military road was laid out and established by act of Congress, in the year 1832, which road was never opened or worked, nor any appropriations made therefor;

*And whereas*, An act providing for laying out a State road from Saginaw to Cheboygan has been passed by the present session of the Legislature; therefore,

*Resolved*, That our Senators and Representatives in Congress be requested to use all honorable means to secure a grant of lands from Congress for said road.

*Resolved*, That His Excellency, the Governor, be requested to forward a copy of this joint resolution to each of our Senators and Representatives in Congress.

Approved, February 4, 1858.

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NOTE.—The words and sentences enclosed in brackets in the foregoing pages, were in the engrossed bills as reported by the Legislature, but are not in the enrolled copies.

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**A P P E N D I X :**

CONTAINING

**CERTIFIED STATEMENTS OF BOARDS OF SUPERVISORS,**

RELATIVE TO

**THE ERECTION OF NEW TOWNSHIPS: ALSO,**

**STATE TREASURER'S ANNUAL REPORT**

**FOR THE YEAR 1857.**

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## APPENDIX.

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### ALLEGAN COUNTY.

In the matter of the application of Cornelius I. Voorhorst and others for the erection and organization of a new township.

It being made to appear to the Board of Supervisors that application has been made and that notice thereof has been signed, posted up and published, as in the manner required by law, and having duly considered the matter of said application, the board order and enact, that the territory described in said application, bounded and described as follows, to wit: Township number four north of range fourteen west, in the said county of Allegan, at present attached to the township of Fillmore, be and the same is hereby erected into a township, to be called and known by the township of "Overisal." The first annual township meeting shall be held at the school house, in school district number four, on the first Monday of April, A. D. 1857, at nine o'clock A. M., and at said meeting, Cornelius I. Voorhorst, Hendrick Browers and Jan Boers, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides. And it is further ordered, that the next

## APPENDIX.

annual meeting in the township of "Fillmore," be held on the first Monday of April, A. D. 1857, at the school house in school district No. one, and Isaac Fairbanks, Anton Schormo and Martenus Van Tubbergen, are hereby appointed to act as inspectors at the said election.

E. B. BASSETT,

*Chairman.*

JAMES B. PORTER,

*Clerk.*

*State of Michigan, County of Allegan, ss.:*

I, James B. Porter, clerk of the county aforesaid and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, as clerk of said board, and the copy thereto attached of the map or survey of the new township of Overisel, in my office, and furnished said board on the application for the erection and organization of said township, and that said copies are true copies. And I further certify that the foregoing order of said board was passed by them at their meeting held at Allegan, in said county, on the 15th day of October, 1856, as appears by their record.

In testimony whereof, I have hereunto set my

[ L. S. ] hand and affixed the seal of the circuit court of said county this 16th day of October, A. D. 1856.

JAMES B. PORTER,

*Clerk.*

### GRAND TRAVERSE COUNTY.

In the matter of application of John E. Fisher, C. C. McCarty, L. S. Campbell, John Dorsey, Geo. Ray, Erasmus Nutt, John Larue, Frederick Werner, Carston Barfiend, H. N. Merrill, Wm. D. Burdick, W. L. Aikin, Joseph Oliver, P. P. Smith, Wm. Coggshall, and H. Decker, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed,

posted up and published as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, bounded as follows, to wit: Commencing on the shore of Lake Michigan at the point where the dividing line between the township number twenty-nine (29) north, range thirteen (13) west, and twenty-nine (29) north, range twelve (12) west, intersects said shore, thence running up the shore of said lake to the division line between the counties of Leelanaw and Manistee, thence east on said line to the south-east corner of township number twenty-five (25) north, range thirteen (13) west, thence north on east line of said township range thirteen (13) to the place of beginning, be and the same is hereby erected into a new township by the name of the township of Glen Arbor; the first annual township meeting thereof shall be held at the Mill House of Nutt & Ray, on the first Monday of April next, the usual time for holding township meetings; and at said meeting, John E. Fisher, John Larue and Erasmus Nutt, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides; and Geo. Ray be and is hereby appointed to post up notices according to law of the time and place of such meeting in the newly organized township of Glen Arbor.

Dated, Traverse City, October 15, A. D. 1857.

*State of Michigan, County of Grand Traverse, ss:*

I, Theron Bostwick, clerk of the county aforesaid and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof, in my office as clerk of said board, and the copy thereto attached of the map or survey of the new township of Glen Arbor, in my office,

and furnished to said board on the application for the erection and organization of said township, and that said copies are true copies. And I further certify that the foregoing order of said board was passed by them at their meeting, held at Traverse City, in said county, on the fifteenth day of October, A. D. 1857, as appears by their record.

In testimony whereof, I have hereunto set my  
[ L. S. ] hand and affixed the seal of the Circuit Court  
of said county, this fifteenth day of October,  
A. D. 1857.

THERON BOSTWICK,  
*Clerk.*

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#### NEWAYGO COUNTY.

In the matter of an application of Chauncey P. Ives and others for the erection and organization of a new township.

It appearing to the board of Supervisors that application has been made, and that notice thereof has been signed, posted up and published, as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, described as follows, to wit: Townships fourteen and fifteen north of range seven west; also townships fourteen and fifteen north of range eight west; also townships fourteen and fifteen north of range nine west, and townships fourteen and fifteen north of range ten west, be and the same are hereby erected into a township to be called and known by the name of "Leonard." The first annual township meeting thereof shall be held at the post office called Leonard, on the first Monday of April, A. D. 1858, at nine o'clock in the forenoon, and at said meeting Jesse C. Shaw, Benoni Evans and Washington Seaman, three electors of said townships, shall be the persons whose duty it shall be to preside at

such meeting, appoint a clerk and keep open the polls, and exercise the same powers as the inspectors of elections at any township meeting, as the law provides.

*State of Michigan, County of Newaygo, ss.:*

I, John H. Standish, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of any order of said board, with the record thereof in my office, as clerk of said board, and the copy thereto attached of the map or survey of the new township of Leonard, in my office, and furnished to said board on the application for the erection and organization of said townships, and that said copies are true copies. And I further certify that the foregoing order of said board was passed by them at their meeting, held at the village of Newaygo, in said county, on the fifth day of January, 1858, as appears by their record.

In testimony whereof I have hereunto set my  
[ L. S. ] hand and affixed the seal of the circuit court  
of said county, this twelfth day of February,  
1858.

JOHN H. STANDISH, Clerk.

By HIRAM BAKER, Deputy Clerk.

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In the matter of the application of G. W. Green and others  
for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up and published, as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, described as follows, to wit: Being townships sixteen and seventeen north of ranges nine and ten west, be and the same is hereby erected into

a township, to be called and known by the name of the township of Green; the first annual township meeting thereof shall be held at the house of John Parrish, on the first Monday of April, A. D. 1858, at nine o'clock, A. M., and at said meeting, William A. Green, George W. Green and George J. Barker, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides.

*State of Michigan, County of Newaygo, ss:*

I, John H. Standish, clerk of the county aforesaid and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof, in my office as clerk of said board, and the copy thereto attached of the map or survey of the new township of Green, in my office, and furnished to said board on the application for the erection and organization of said township, and that said copies are true copies; and I further certify that the foregoing order of said board was passed by them at their meeting held at the village of Newaygo, in said county, on the fifth day of January, 1858, as appears by their record.

In testimony whereof, I have hereunto set my  
[ L. S. ] hand, affixed the seal of the Circuit Court of  
said county, this eleventh day of February,  
1858.

J. H. STANDISH, *Clerk.*

By HIRAM BAKER, *Deputy Clerk.*

## OCEANA COUNTY.

In the matter of the application of Benjamin Moe, Wm. R. Wilson, C. B. Moe, Oliver Swaine, Darwin P. Swaine, Nelson Wright, Sanders D. Ward, Amos Wright, C. W. Bullen, A. Swinson, Lachlan McCullum and H. D. Clark, for the erection and organization of a new township.

It appearing to the board of supervisors, that application has been made and that notice thereof has been signed, posted up and published, as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, described as follows, to wit: Towns thirteen (18) and fourteen (14) north of range fifteen (15) west, be and the same is hereby erected into a township, to be called and known by the name of the township of Greenwood; the first annual township meeting thereof shall be held at the house of Wm. R. Wilson, on Monday, the fifth day of April, 1858, at nine o'clock in the forenoon, and at said meeting Oliver Swaine, C. B. Moe and Nelson Wright, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls and exercise the same powers as the inspectors of election at any township meeting, as the law provides.

*State of Michigan, County of Oceana, ss:*

I, Luther L. Alexander, clerk of the county aforesaid and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof, in my office as clerk of said board, and the copy thereto attached of the map or survey of the new township of Greenwood, in my office and furnished to said board on the application for the erection and organization of said township, and that said copies are true copies; and I further certify that the foregoing order of said board was passed by them at their meeting held at

## APPENDIX.

Benona, in said county, on the twenty-eighth day of December, 1857, as appears by their record.

In testimony whereof, I have hereunto set my  
[ L. S. ] hand, affixed the seal of the Circuit Court of  
said county, this first day of February, 1858.

LUTHER L. ALEXANDER,

*County Clerk.*

In the matter of the application of Nelson Glover, Sylvanus G. Rollins, James Brooker, Ire Jinks, Joseph Beath, Daniel Wentworth, John Spoor, Isaac D. Green, Victory Satterlee, Jacob Schaumpf, Robert McAlister and Alexander Black, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up and published, as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, described as follows, to wit: Town fifteen (15) north of ranges fifteen (15), sixteen (16), seventeen (17), eighteen (18) and (fractional part of) nineteen (19) west, be and the same is hereby erected into a township, to be called and known by the name of the township of Elbridge; the first annual township meeting thereof shall be held at the house of S. G. Rollins, on Monday, the fifth day of April, 1858, at nine o'clock in the forenoon, and at said meeting, H. H. Fuller, Geo. W. Light and Ire Jinks, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides.

*State of Michigan, County of Oceana, ss.*

I, Luther L. Alexander, clerk of the county aforesaid and of the board of supervisors thereof, do hereby certify that

I have carefully compared the foregoing copy of an order of said board with the record thereof, in my office as clerk of said board, and the copy thereto attached of the map or survey of the new township of Elbridge, in my office and furnished to said board on the application for the erection and organization of said township, and that said copies are true copies; and I further certify that the foregoing order of said board was passed by them at their meeting held at Benona, in said county, on the twenty-eighth day of December, 1857, as appears by their record.

In testimony whereof, I have hereunto set my  
[ L. S. ] hand, affixed the seal of the Circuit Court of  
said county, this first day of February, 1858.

LUTHER L. ALEXANDER,

*County Clerk.*

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#### ONTONAGON COUNTY.

COUNTY CLERK'S OFFICE, }  
May 30, 1857. }

*State of Michigan, County of Ontonagon, ss:*

BEFORE THE BOARD OF SUPERVISORS.

In the matter of the application of the township of Pewabec, heretofore made and acted upon, for an alteration of the boundaries of Ontonagon and Pewabec townships, the same having been informal and defective.

It now appearing to the board that application has been made, and that notice thereof has been signed, posted up and published in the manner required by law, and having duly considered the matter of said application; the board order and enact that the territory described in said application, as follows, to wit: "By taking from the township of Ontonagon and adding to the township of Pewabec, town forty-nine (49) north range forty (40) west, and town fifty (50) north range forty (40) west, and section thirty-one (31) and thirty-two (32) of town fifty-one (51) north range thirty-

nine (89) west, be and the same is hereby set off from said township of Ontonagon and attached to the township of Pewabec, and that the boundaries of said townships, "Ontonagon" and "Pewabec" shall conform to the above alterations, and are hereby established in conformity thereto.

EDWIN EMMONS,

*Chairman.*

D. PITTMAN,

*Clerk.*

*State of Michigan, County of Ontonagon, ss:*

I, Daniel Pittman, clerk of the county aforesaid and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof, in my office as clerk of said board, and the copy thereto attached of the map or survey of the townships of Ontonagon and Pewabec, in my office and furnished to said board on the application for the alteration of the boundaries of said townships, and that said copies are true copies; and I further certify that the foregoing order of said board was passed by them at their meeting held at the village of Ontonagon, in said county, on the thirtieth day of May, A. D. 1857, as appears of record.

In testimony whereof, I have hereunto set my  
[ L. S. ] hand and affixed the seal of the District Court  
of said county, at Ontonagon, this sixth day  
of July, A. D. 1857.

D. PITTMAN,

*County Clerk.*

**SAGINAW COUNTY.**

In the matter of the application of Robert Ure and others, for the detaching and setting off of certain territory from the township of Thomastown and annexing the same to the township of Saginaw.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up and published as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, bounded as follows, to wit: all that part of town number twelve (12) north of range number three (3) east, lying on the east side of the Tittabawassee river, now embraced in the organized township of Thomastown, be and the same is hereby detached from said Thomastown and annexed to said township of Saginaw.

The above order was adopted by the following vote:  
Yea—Messrs. Andrus, Berry, Card, Fisher, Hodgman, Lewis, Loeffler, Ross, Schmidt, Schnell, Smith, Smock, Swartout and Turner, (14.) Nays—Messrs. Burns, Haines and Hess, (3).

A. S. GAYLORD,

*Chairman.*

HEMAN B. FERRIS,

*Deputy Clerk.*

*State of Michigan, County of Saginaw, ss:*

I, Heman B. Ferris, deputy clerk of the county aforesaid and of the board of supervisors thereof, do hereby certify that I have compared the foregoing copy of an order of said board with the record thereof, in my office as clerk of said board, and that said copy is a true copy; and I hereby further certify that the foregoing order of said board was passed by them at their meeting held at Saginaw City, in said county, on the fourteenth day of October, 1857, as appears by their record.

In testimony whereof, I have hereunto set my  
[ L. S. ] hand and affixed the seal of the Circuit Court  
of said county, this thirtieth day of December,  
A. D. 1857.

HEMAN B. FERRIS,  
*Deputy Clerk.*

In the matter of the application of Joel Draper and others,  
for the erection and organization of a new township.

It appearing to the board of supervisors that application  
has been made, and that notice thereof has been signed,  
posted up and published, as in the manner required by law,  
and having duly considered the matter of said application,  
the board order and enact that the territory described in  
said application, bounded as follows, to wit: Township  
number eleven north of range one east, and township num-  
ber eleven north of range two east, be and the same is  
hereby erected into a township, to be called and known by  
the name of the township of Fremont; the first annual  
township meeting thereof shall be held at the house of  
Thomas Guilford, on the first Monday of April, A. D. 1858,  
and at said meeting, Nathan Herrick, Thomas Guilford and  
Joel Draper, three electors of said township, shall be the  
persons whose duty it shall be to preside at such meeting,  
appoint a clerk, open and keep the polls, and exercise the  
same powers as the inspectors of elections at any township  
meeting, as the law provides.

The above enactment was made by more than two-thirds  
of all the members elect, viz: Yeas—Messrs. Andrus, Berry,  
Burns, Card, Fisher, Haines, Lewis, Loeffler, Ross, Schnell,  
Smock, Turner and Chairman, (13.) Nays—none.

A. S. GAYLORD,  
*Chairman.*

HEMAN B. FERRIS,  
*Deputy Clerk.*

*State of Michigan, County of Saginaw, ss:*

I, Heman B. Ferris, deputy clerk of the county aforesaid and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof, in my office as clerk of said board, and that said copy is a true copy; and I further certify that the foregoing order of said board was passed by them at their meeting held at Saginaw City, in said county, on the thirteenth day of October, A. D. 1857, as appears by their record.

In testimony whereof, I have hereunto set my  
[ L. S. ] hand and affixed the seal of the Circuit Court  
of said county, this thirtieth day of December,  
A. D. 1857.

HEMAN B. FERRIS,  
*Deputy Clerk.*

In the matter of the application of Ira McKinney and others, for a new town.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up and published, as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, as follows, to wit: All that portion of fractional sections number twenty-eight (28) and twenty-nine (29) in township number fourteen (14) north of range five (5) east, that is covered by a recorded plat of the village of Portsmouth, also all that portion of section number thirty-two (32) that lies on the east side of Saginaw river, and entire sections thirty-three (33), thirty-four (34), thirty-five (35) and thirty-six (36) in town number fourteen (14) north of range number five (5) east, and all that portion of town number thirteen (13) north of range number five (5) east that lies on the east side of Saginaw river, save

sections twenty-one (21), twenty-two (22), twenty-seven (27), twenty-eight (28), thirty-two (32), thirty-three (33) and thirty-four (34), and town number thirteen (13) north of range number six (6) east, be and the same is hereby erected into a township to be called and known by the name of the township of Portsmouth; the first annual township meeting thereof shall be held at the school house in the village of Portsmouth, on the first Monday of April, 1858, and at said meeting, Ephraim Smith, Jesse M. Miller and William Daglish, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides.

The above was adopted by this vote: Yeas—Messrs. Andrus, Berry, Card, Fisher, Hodgman, Lewis, Ross, Schnell, Smith, Swarthout, (10.) Nays—Messrs. Burns, Haines, Loeffler, Smock and Turner, (5).

A. S. GAYLORD,  
*Chairman.*

HEMAN B. FERRIS,  
*Deputy Clerk.*

*State of Michigan, County of Saginaw, ss:*

I, Heman B. Ferris, deputy clerk of the county aforesaid and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof, in my office as clerk of said board, and that said copy is a true copy; and I further certify that the foregoing order of said board was passed by them at their meeting held at Saginaw City, in said county, on the fourteenth day of October, 1857, as appears by their record.

In testimony whereof, I have hereunto set my  
[ L. S. ] hand and affixed the seal of the Circuit Court  
of said county, this thirtieth day of December,  
A. D. 1857.

**HEMAN B. FERRIS,**  
*Deputy Clerk.*

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### SANILAC COUNTY.

An act of the board of supervisors of the county of Sanilac,  
passed unanimously at the annual meeting of said board,  
in October, 1857, organizing, by a series of resolutions,  
the townships of Bingham, Maple Valley, Elk and Ma-  
rion.

On motion of Alanson Goodrich,

*Resolved*, That, in compliance with the requisition of  
more than twelve freeholders of the townships of Sand  
Beach and Dwight, in the county of Huron, (attached to  
the county of Sanilac for judicial and legislative purposes,)  
due notice of such application having been given, that  
townships fifteen north of ranges twelve, thirteen, fourteen  
and fifteen east, be taken from the present organized town-  
ships of Sand Beach and Dwight, and organized into a new  
township to be called Bingham; and that the first township  
meeting be held on the first Monday in April, 1858, at the  
house of William Wilson, and that William Wilson, Lewis  
Bonnell and James R. Frank be appointed to act as inspec-  
tors of election at the first annual township meeting, and  
to give due notice thereof.

On motion of James McLean, and for like reasons,

*Resolved*, That township nine north of range thirteen  
east, be taken from the township of Speaker, and organized  
into a new township by the name of Maple Valley; and  
that the first township meeting be held on the first Mon-  
day in April, 1858, at the house of John H. Beckett, and  
that John H. Beckett, Stephen Y. Rockwell and Hiram

## APPENDIX.

Steinhoff, be and they are hereby appointed as inspectors of election at the first annual meeting of said township.

On motion of Ezra Van Camp, and for like reasons,

*Resolved*, That townships ten north of ranges thirteen and fourteen east, be taken from the township of Buel, and organized into a new township, to be known as the township of Elk, and that the first township meeting for said township be held on the first Monday in April, 1858, at the house now occupied by Ransom R. Pierce, in said township, and that Ransom R. Pierce, Nathaniel Vannest and John Ryan, be and they are hereby appointed as inspectors of election, at the first annual meeting of said township.

On motion of Alanson Goodrich, and for like reasons,

*Resolved*, That townships thirteen north of ranges twelve, thirteen, fourteen and fifteen east, be taken from the present township of Austin, and organized into a new township by the name of Marion; and that the first township meeting be held on the first Monday in April, 1858, at the house occupied by Andrew J. Wright, and that Andrew J. Wright, Samuel Abbot and John Snyder, be and the same are hereby appointed as inspectors of election, at the first annual township meeting.

And it is further ordered that all four of the above organizations shall take effect from and after the first annual township meeting in each of said new townships respectively.

Lexington, October 14, 1857.

DANIEL WIXSON,

*Chairman.*

RANDAL WIXSON,

*Clerk.*

*State of Michigan, County of Sanilac, ss:*

I hereby certify that the foregoing is a true copy of the act of the supervisors, and the following diagrams true copies of the original, now on file in this office.

In testimony whereof, I have hereunto set my  
[ L. S. ] hand and official seal, at Lexington, this fifth  
day of January, 1857.

RANDAL WIXSON,  
*Deputy County Clerk.*

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TUSCOLA COUNTY.

In the matter of the application of E. Battelle, John D. Hays, James C. Luce, S. M. French, M. B. French, John Morse, Benjamin Griswold, Joseph Cooley, E. B. Hays, H. Hobert, John A. Hays, E. French, Jas. Gaunt, Geo. Wilkinson, Joseph Spence and E. Spencer, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up and published, as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application as follows, to wit : township thirteen and fractional township fourteen north, of range seven east, be and the same is hereby erected into a township, to be called and known by the name of the township of "Gilford." The first annual township meeting thereof shall be held at the school house on sec. 36 in said township 13 N. R. 7 E., on Monday the fifth day of April next, at 10 o'clock in the forenoon; and at said meeting, E. B. Hays, Hamilton Hobart and E. Battelle, three electors of said township shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and close the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides.

*State of Michigan, County of Tuscola, ss:*

I, John Johnson, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of

## APPENDIX.

said board with the record thereof in my office as clerk of said board, and the copy thereto attached of the map or survey of the new township of Gilford in my office, and furnished to said board on the application for the erection and organization of said township, and that said copies are true copies. And I further certify that the foregoing order of said board, was passed by them at their meeting held at Vassar, in said county, on the 13th day of January, 1858, as appears by their record.

In testimony whereof, I have hereunto set my  
[ L. S. ] hand and affixed the seal of the Circuit Court  
of said county, this 28th day of January, 1858.

JOHN JOHNSON,  
*County Clerk.*

In the matter of the application of Hiram Bailey, Alden Bird, H. F. Cooper, A. Walmsley, Wm. Edgar, Hugh Leed, J. W. Salsbury, Wm. Jacobs, Wm. H. Winton, John Bird, A. P. Cooper, Lorenzo Teachout, and Burton Herney, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed and posted up, as in the manner required by law, and having duly considered the matter of said application, the said board order and enact, that the territory described in said application, bounded as follows, to wit: Townships thirteen and fourteen north of range number eleven east, be and the same is hereby erected into a township to be called and known by the name of the township of Elkland; the first annual township meeting thereof shall be held at the house of H. F. Cooper, on section twenty-eight, in township fourteen north of range eleven east, on the first Monday of April next, at ten o'clock in the forenoon, and at said meeting H. F. Cooper, Alexander Cooper and John Bird, three electors of said township, shall be the persons

whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides.

*State of Michigan, County of Tuscola, ss.:*

I, John Johnson, clerk of the county aforesaid, [and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, as clerk of said board, and the copy thereto attached of the map or survey of the new township of Elkland, in my office, and furnished said board on the application for the erection and organization of said township, and that said copies are true copies. And I further certify that the foregoing order of said board was passed by them at their meeting held at Vassar, in said county; on the 14th day of October, 1857, as appears by their record.

In testimony whereof, I have hereunto set my  
[ L. S. ] hand and affixed the seal of the circuit court  
of said county, this 1st day of December, A. D.  
1857.

JOHN JOHNSON,

*Clerk.*



ANNUAL REPORT  
OF THE  
STATE TREASURER FOR 1856.

*Lansing, Nov. 30, 1857.*

*To His Excellency, KINSLEY S. BINGHAM, Governor of the State of Michigan:*

In obedience to the requirements of law, I have the honor to submit to you my Annual Report, showing the condition of the finances of the State at the close of the present fiscal year.

Accompanying this Report, will be found the Ledger Balances, and the table of accounts of the several trust funds.

The Report will also contain a tabular statement of the receipts and disbursements for the years 1855, 1856 and 1857, as well as an estimate of the probable receipts and disbursements for the ensuing fiscal year. I have deemed it proper to make these tables in order that you may fully understand the present condition of the finances of the State, and the probable demands upon the Treasury for the ensuing year.

*Comparison of the Receipts and Disbursements for the fiscal years 1855, 1856 and 1857.*

The amount in the Treasury at the close of	
the fiscal year ending Nov. 30, 1854, was	\$553,004 08
Receipts during the fiscal year 1855,.....	588,896 93
Total,.....	1,141,401 01

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Disbursements for the same period,.....	<u>624,777 88</u>
Leaving on hand at the close of the fiscal year 1855, and at the commencement of 1856,	516,628 13
Amount received during the fiscal year of 1856, was.....	<u>511,271 70</u>
Total,.....	1,027,894 88
Disbursements for same period,.....	<u>639,879 06</u>
Leaving on hand at the close of the fiscal year of 1856, and at the commencement of 1857, .....	388,015 77
Receipts for the fiscal year 1857,.....	<u>450,653 85</u>
Total,.....	838,669 62
Disbursements for same period,.....	<u>679,979 19</u>
Leaving on hand at close of fiscal year 1857, and commencement of next,.....	<u>\$158,690 43</u>

This table, it will be observed, commences with the balance in the treasury at the close of the fiscal year of 1854. The amount on hand at the time, as shown by the Report of my predecessor, was \$553,004 08. It is proper for me to observe in this relation, that the administration with which he was connected did not close its official functions until the 31st of December, one month after his Report was made; the disbursements from the Treasury during this period, amounted in the aggregate to the sum \$83,962 71, leaving actually in the Treasury at the close of his official term, the sum of \$469,041 37.

I have been thus explicit in this matter, that erroneous impressions on this point may be corrected.

You will observe by the inspection of these tables, that the surplus funds have been reduced during these years as follows:

1855,.....	\$ 36,380 95
1856,.....	128,607 36
1857,.....	229,325 34
Total,.....	<u>\$394,313 65</u>

This has been caused by the disbursements above mentioned—the payment of a large amount of State indebtedness—the increase of the payment of interest on State bonds, growing out of the adjustment of the “Five Million Loan”—by the payment of appropriations made by the Legislatures of 1855 and 1857, for the Deaf, Dumb and Blind, and Insane Asylum, House of Correction, Agricultural College, erection of new buildings at State Prison, University, Normal School, the increased expenses of the State Prison, and the steady diminution of receipts for the same period, which will be found in the following table:

*Comparison of the amounts received into the Treasury from all sources during 1854, 1855, 1856 and 1857.*

For 1854,.....	\$610,699 97
“ 1855,.....	588,396 93
<hr/>	
Diminution for 1855,.....	\$22,308 04
For 1855,.....	588,396 93
“ 1856,.....	511,271 70
<hr/>	
Diminution for 1856,.....	77,125 23
For 1856,.....	511,271 70
“ 1857,.....	450,653 85
<hr/>	
Diminution for 1857,.....	60,617 85

Showing a diminution of receipts in three years by comparison,..... \$160,046 12

The funds were largely increased in the Treasury during the fiscal year of 1854, by the proceeds of the sales of State Lands. Since that period the sales of lands have rapidly

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fallen off, as will be seen by the following comparative table:

*Comparative Table of the Sale of Primary School, University, Normal School and Asylum Lands, for 1854, 1855, 1856 and 1857.*

Amount sold in 1854,.....	\$409,675 73
" " 1855,.....	159,648 89
Decrease in 1855,.....	\$250,026 84
Amount sold in 1855,.....	159,648 89
" " 1856,.....	110,671 98
Decrease in 1856,.....	48,976 91
Amount sold in 1856,.....	110,671 98
" " 1857,.....	50,254 55
Decrease in 1857,.....	60,417 43
Making the total aggregate decrease of sales as compared, .....	<u>\$359,421 18</u>

The sales of these lands for 1854 exceed the combined amounts of 1855, 1856 and 1857, in the sum of \$89,100 31. But little dependence can therefore be placed upon receipts into the Treasury from this source.

The amount received for interest on the surplus funds for the years 1855, 1856 and 1857, is as follows:

1855, .....	\$29,928 43
1856, .....	21,699 34
1857, .....	9,856 78
Total,.....	<u>\$61,484 55</u>

The falling off of the amounts received for 1856 and 1857, is occasioned by the rapid decrease of the funds.

STATE DEBT.

The present indebtedness of the State is as follows:

University Bonds, principal due July 1, 1858,	\$99,000 00
Pontiac R. R. Bonds, " " "	97,000 00
Penitentiary " " Jan. 1, 1859,	20,000 00
" " " 1, 1860,	40,000 00
Full paid 5,000,000 loan bonds, due Jan. 1, '63,	177,000 00
Adjusted 5,000,000 " " 1, '63,	1,718,685 00
The part paid \$5,000,000 loan or adjusted bonds, when funded, will amount to,....	113,399 72
Outstanding Internal Improvement War'tns, Internal Improvement Warrant Bonds, inter- est stopped, and payable on demand,..	3,832 76
	550 00
Total,.....	<u>\$2,269,467 48</u>

The following class of bonds have been paid and taken up during the years 1855, 1856 and 1857:

*Bonds paid in 1855.*

General Fund Bonds,.....	\$21,000 00
Internal Improvement Bonds,....	13,100 00
Adjusted Bonds,.....	23,103 86
	<u>\$57,203 86</u>

*Bonds paid in 1856.*

General Fund Bonds,.....	\$79,000 00
Adjusted Bonds,.....	3,636 98
	<u>82,636 98</u>

*Bonds paid in 1857.*

Adjusted Bonds,.....	\$2,269 46
Internal Imp. Warrant Bonds,....	4,600 00
Outstanding Internal Improve- ment Warrants,.....	325 59
	<u>7,195 05</u>
Total,.....	<u>\$147,085 34</u>

The interest paid upon the funded debt of the State for the fiscal year just closed, amounted to the sum of \$128,401 11. The interest paid to the several trust funds for the same period, amount to the sum of \$61,086 27.

In my last Annual Report made to the Legislature, I submitted to that body an estimate of the disbursements and receipts for 1857 and 1858; the footings of these tables were as follows:

Disbursements for 1857 and 1858,.....	\$1,026,732	15
Receipts " " "	947,543	77
Showing a deficit of means to meet disbursements of.....	79,188	38

Being well satisfied that the various State Institutions, through their officers, would ask for the usual appropriation to enable them to complete and put the same in successful operation, I deemed it proper that these estimates in detail should be laid before the Legislature, in order that the proper Committees, in making their Reports relative to these appropriations, should fully understand the condition of the Treasury, and the prospective demands upon it for the years mentioned, and in case appropriations were made, that the necessary means should be provided to meet the same. Appropriations were made for the Asylums, House of Correction, Agricultural College, State Prison, University, Normal School, State Agricultural Society, and various other public objects, payable from the public Treasury on call during 1857 and 1858, amounting to over \$325,000. To meet these appropriations, and the deficit in the Revenue before mentioned, the Legislature authorized the raising of a State tax for 1857 and 1858, equal to five-tenths of a mill on the taxable property of the State, as equalized by the State Board of Equalization in 1856. This tax would amount for three years to \$137,000. The Legislature also provided by Act No. 106, authorizing the sale of the Swamp Lands, that seventy-five per cent. of the principal arising from the sale of these Lands, should be loaned to the State, "*and appropriated to the payment of the outstanding indebtedness of the State, secured by its bonds or stocks, in the order in which they shall fall due.*"

It was supposed that these Lands would have been put into the market and offered for sale, as soon as the act should take effect, and that the surplus funds of the Treasury would be greatly increased by the sale.

The Commissioner of the Land Office, after a careful examination of the law, decided not to offer the Lands for sale in consequence of the imperfections of the act, and published his determination on the subject by an official circular, on the 5th of May last. In consequence of the withdrawal of these lands from market, the revenue expected to have been received from such sale has been entirely cut off. It will therefore readily be perceived that means from some source should be provided to meet the accruing demands upon the Treasury for the ensuing fiscal year.

The following tables will show the real and prospective demands upon the Treasury, as well as the estimated receipts for the ensuing fiscal year of 1858:

*Estimate of Disbursements for 1858.*

Pontiac R.R. bonds, due July 1, '58,	\$ 97,000 00
University bonds, " "	99,000 00
Penitentiary bonds, due Jan. 1, '59,	20,000 00
Int. Imp. warrant bonds, on dem'd,	550 00
" warrants on demand,....	3,832 76
Interest on the funded State debt, due July 1, 1858, and Jan. 1, '59,	<u>129,364 02</u>
Total am't of State debt, principal and interest, falling due and payable in 1858,.....	\$349,746 78
Primary School Interest,.....	118,151 79
University " .....	35,000 00
Normal School " .....	12,000 00
Expenses of Supreme and Circuit Courts,....	30,000 00
Awards of the Board of State Auditors,.....	60,000 00
Compilation of the Laws,.....	30,000 00
Expenses of State Prison,.....	25,000 00

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Salaries of Public Officers,.....	15,000 00
State Library,.....	500 00
Coroner's fees,.....	800 00
Exchange and Commissions in paying principal and interest on bonds,.....	2,500 00
Wolf Bounty,.....	800 00
Unpaid Appropriations,.....	90,529 82
Total,.....	<u>\$770,028 39</u>

*Estimated Receipts for same period.*

Cash on hand Nov. 30, 1857,.....	\$158,690 43
Railroad Specific Tax,.....	140,000 00
Bank " .....	7,500 00
Plank Roads,.....	1,795 68
Mining and Manufacturing Co.'s,.....	6,000 00
Licenses,.....	500 00
Primary School Interest,.....	70,000 00
University " .....	18,500 00
Normal School, " .....	3,500 00
State Tax for 1857,.....	85,000 00
Total, .....	<u>\$491,486 11</u>

Leaving the sum of \$278,542 28 to be provided for, to meet the actual and probable demands upon the treasury.

I desire to call your attention, especially at this time, to the fact that the General Fund account is largely overdrawn, and consequently is indebted to the several Trust Funds to the amount of \$496,692 28. Under the present condition of the finances, and as the semi-annual interest on the State debt falls due on the 1st of January, 1858, amounting to the sum of \$64,682 01, the payment of which, and the regular disbursements in the mean time, will reduce the surplus funds by the 1st of January, 1858, to about \$75,000; and as the expenses of the State Govern-

**APPENDIX.**

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ment must be sustained and met, I do not see how further payments of appropriations can be made. I shall, therefore, decline their further payment until provision is made to meet the same.

I herewith submit the annual Reports of the Michigan Insurance Bank, Farmers' & Mechanics' Bank, and Peninsular Bank.

All of which is respectfully submitted.

**S. M. HOLMES,**

*State Treasurer.*

*Treasurer of the State of Michigan, in account with the State  
of Michigan.*

## DEBIT.

1857.

Nov. 30. To balance in Treasury, Nov. 29, 1856, \$388,015 77

Rec'pts on acc't of General Fund,	280,904	58
"        " Int. Impt. "	33,346	94
"        " Pri. School "	26,203	82
"        " " Interest,	66,667	65
"        " University F.,	9,032	47
"        " " Int.,	18,380	96
"        " St. Build. Fund,	1,596	99
"        " Asylum "	3,357	61
"        " N. S. Endow. "	1,525	67
"        " " Interest,	3,000	55
"        " Swamp L. Fund,	1,876	37
"        " " Int.,	4,628	99
"        " M. C. R. R. Dep.,	131	25

Total,..... \$388,669 62

*Treasurer of the State of Michigan in account with the State  
of Michigan.*

## CREDIT.

1857.

Nov. 30. By am't paid on acc't of Gen'l Fund, \$341,915 07

"	"	"	Int. Imp,	"	127,563 55
"	"	"	Pri. Sch.	"	316 31
"	"	"	Interest,	108,151 79	
"	"	"	University "	34,796 23	
"	"	"	M. C. R. R. D'psts,	34 14	
"	"	"	State B'l'd'g Fund,	4 94	
"	"	"	Asylum "	56,945 67	
"	"	"	Norm. Sch.	"	80
"	"	"	Int.,	10,063 18	
"	"	"	Swamp Land "	187 51	

By balance Nov. 30, 1857,..... 158,690 43

Total,..... \$838,669 62

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*Ledger Balances.*

## DEBIT.

1857.

Nov. 30.	To cash,.....	\$158,690	43
"	" General Fund,.....	496,592	38
"	" Internal Improvement Fund,.....	285,813	45
"	" St. Mary's Canal,.....	1,774	72
<b>Total,.....</b>		<b>\$942,870</b>	<b>98</b>

*Ledger Balances.*

## CREDIT.

1857.

Nov. 30. By Primary School Fund,.....	\$630,742 94
" University Fund,.....	146,161 33
" Primary School Interest,.....	36,430 78
" University Interest, .....	401 45
" Contingent Fund,.....	392 35
" Mich. Central R. R. Deposits,....	2,153 52
" Treasury Notes,.....	731 00
" State Building Fund,.....	9,618 21
" Asylum Fund,.....	19,094 24
" Normal School Fund,.....	17,033 47
" Normal School Interest,.....	3,571 48
" Mich. Southern R. R. Deposits,..	206 72
" Swamp Land Fund,.....	53,336 15
" St. Joseph Valley R. R. Deposits,.	115 00
" Swamp Land Interest,.....	22,873 76
" Oakland & Ottawa R. R. Deposits,.	8 58
Total,.....	<u><u>\$942,870 98</u></u>

**APPENDIX.***General Fund.***DEBIT.****1857.**

Nov. 30. To balance Nov. 29, 1856,.....	<b>\$182,432 91</b>
Warrants paid during fiscal year,	341,915 07
Am't transf'd to University Int.,	16,821 00
" " Primary S. "	43,296 41
" " Normal S. "	968 86
" " Swamp Land "	3,687 04
" " Nor. S. Appr'n,	7,700 00
" " Asylum "	62,500 00
" " Int. Imp't Fund,	136,606 80
<b>Total,.....</b>	<b><u>\$795,928 09</u></b>

*Internal Improvement Fund.***DEBIT.****1857.**

Nov. 30. To balance, Nov. 29, 1856,.....	<b>\$309,772 51</b>
Warrants paid during fiscal year,	127,563 55
<b>Total,.....</b>	<b><u>\$437,346 06</u></b>

*Primary School Fund.***DEBIT.****1857.**

Nov. 30. To warrants paid during fiscal year, \$	<b>316 31</b>
Balance, .....	<b>630,742 94</b>
<b>Total,.....</b>	<b><u>\$631,059 25</u></b>

*General Fund.*

## CREDIT.

1857.

Nov. 30. By receipts during fiscal year,.....	\$299,335 71
Balance, .....	496,592 38
<hr/>	
Total, .....	<u><u>\$795,928 09</u></u>

*Internal Improvement Fund.*

## CREDIT.

1857.

Nov. 30. By receipts during fiscal year,.....	\$ 14,915 81
Am't transferred from Gen'l Fund, 136,606 80	
Balance, .....	285,813 45
<hr/>	
Total,.....	<u><u>\$437,836 06</u></u>

*Primary School Fund.*

## CREDIT.

1857.

Nov. 30. By balance, Nov. 29, 1856,.....	\$604,855 43
Receipts during fiscal year,.....	26,203 82
<hr/>	
Total,.....	<u><u>\$631,059 25</u></u>

## APPENDIX.

*Primary School Interest.*

DEBIT.

1857.

Nov. 30. To warrants paid during fiscal year, \$108,151.79	
Balance,.....	36,480.78
Total,.....	<u>\$144,582.57</u>

*University Fund.*

DEBIT.

1857.

Nov. 30. To balance,.....	\$146,161.33
Total,.....	<u>\$146,161.33</u>

*University Interest.*

DEBIT.

1857.

Nov. 30. To balance Nov. 29, 1856,.....	\$ 4.28
Warrants paid during fiscal year,.....	34,796.23
Balance,.....	401.45
Total,.....	<u>\$35,201.96</u>

*State Building Fund.*

DEBIT.

1857.

Nov. 30. To Warrants paid during fiscal year, \$ 4.94	
Balance,.....	9,618.21
Total,.....	<u>\$9,623.15</u>

*Primary School Interest.*

CREDIT.

1857.

Nov. 30. By balance, Nov. 29, 1856,.....	\$34,618 51
Receipts during fiscal year,.....	66,667 65
Am't transferred from Gen'l Fund,.....	43,296 41
<b>Total,.....</b>	<b><u>\$144,582 57</u></b>

*University Fund.*

CREDIT.

1857.

Nov. 30. By balance, Nov. 29, 1856,.....	\$137,128 86
Receipts during fiscal year,.....	9,032 47
<b>Total,.....</b>	<b><u>\$146,161 33</u></b>

*University Interest.*

CREDIT.

1857.

Nov. 30. By receipts during fiscal year,.....	\$18,380 96
Am't transfer'd from Gen'l Fund,.....	16,821 00
<b>Total,.....</b>	<b><u>\$35,201 96</u></b>

*State Building Fund.*

CREDIT.

1857.

Nov. 30. By balance, Nov. 29, 1856,.....	\$8,028 16
Receipts during fiscal year,.....	1,596 99
<b>Total,.....</b>	<b><u>\$9,625 15</u></b>

## APPENDIX.

*Asylum Fund.*

## DEBIT.

1857.

Nov. 30. To Warrants paid during fiscal year,	\$56,945 67
Balance, .....	19,094 24
Total,.....	<u><u>\$76,039 91</u></u>

*Normal School Fund.*

## DEBIT.

1857.

Nov. 30. To Warrants paid during fiscal year,	\$ 0 80
Balance, .....	17,033 47
Total,.....	<u><u>\$17,034 27</u></u>

*Normal School Interest.*

## DEBIT.

1857.

Nov. 30. To Warrants paid during fiscal year,	\$10,063 18
Balance, .....	3,571 48
Total,.....	<u><u>\$13,634 66</u></u>

*Swamp Land Fund.*

## DEBIT.

1857.

Nov. 30. To balance,.....	\$53,836 15
Total,.....	<u><u>\$53,836 15</u></u>

*Asylum Fund.*

## CREDIT.

1857.

Nov. 30. By balance Nov. 29, 1856,.....	\$10,182 30
Receipts during fiscal year,.....	3,357 61
Am't transferred from Gen'l Fund,	62,500 00
Total,.....	<u><u>\$76,039 91</u></u>

*Normal School Fund.*

## CREDIT.

1857.

Nov. 30. By balance Nov. 29, 1856,.....	\$15,508 60
Receipts during fiscal year,.....	1,525 67
Total,.....	<u><u>\$17,034 27</u></u>

*Normal School Interest.*

## CREDIT.

1857.

Nov. 30. By balance Nov. 29, 1856,.....	\$1,965 25
Receipts during fiscal year,.....	3,000 55
Am't transferred from Gen'l Fund,	8,668 86
Total,.....	<u><u>\$13,634 66</u></u>

*Swamp Land Fund.*

## CREDIT.

1857.

Nov. 30. By balance Nov. 29, 1856,.....	\$51,459 78
Receipts during fiscal year,.....	1,876 87
Total,.....	<u><u>\$53,336 15</u></u>

## APPENDIX.

*Swamp Land Interest.*

## DEBIT.

1857.

Nov. 30. To warrants paid during fiscal year,	\$ 187 51
balance, .....	22,873 76
Total,.....	<u><u>\$23,061 27</u></u>

*Contingent Fund.*

## DEBIT.

1857.

Nov. 30. To balance,.....	\$392 85
Total,.....	<u><u>\$392 85</u></u>

*Treasury Notes.*

## DEBIT.

1857.

Nov. 30. To balance,.....	\$731 00
Total,.....	<u><u>\$731 00</u></u>

*Michigan Central R. R. Deposits.*

## DEBIT.

1857.

Nov. 30. To warrants paid during fiscal year,	\$ 34 14
Balance, .....	2,153 52
Total,.....	<u><u>\$2,187 66</u></u>

*Swamp Land Interest.*

## CREDIT.

1857.

Nov. 30. By balance Nov. 29, 1856,.....	\$14,745 24
Receipts during fiscal year,.....	4,628 99
Amt't transferred from Gen'l Fund,	3,687 04
Total,.....	<u><u>\$23,061 27</u></u>

*Contingent Fund.*

## CREDIT.

1857.

Nov. 30. By balance, Nov. 29, 1856.....	\$392 35
Total,.....	<u><u>\$392 35</u></u>

*Treasury Notes.*

## CREDIT.

1857.

Nov. 30. By balance, Nov. 29, 1856,.....	\$731 00
Total,.....	<u><u>\$731 00</u></u>

*Mich. Central R. R. Deposits.*

## CREDIT.

1857.

Nov. 30. By balance, Nov. 29, 1856,.....	\$2,056 41
Receipts during fiscal year,.....	131 25
Total,.....	<u><u>\$2,187 66</u></u>

## APPENDIX.

*Mich. Southern R. R. Deposits.*

## DEBIT.

1857.

Nov. 30. To balance,.....	\$206 72
Total,.....	<u><u>\$206 72</u></u>

*St. Joseph Valley R. R. Deposits.*

## DEBIT.

1857.

Nov. 30. To balance,.....	\$115 00
Total,.....	<u><u>\$115 00</u></u>

*Oakland & Ottawa R. R. Deposits.*

## DEBIT.

1857.

Nov. 30. To balance,.....	\$8 58
Total,.....	<u><u>\$8 58</u></u>

*St. Mary's Canal Fund.*

## DEBIT.

1857.

Nov. 30. To balance,.....	\$1,774 72
Total,.....	<u><u>\$1,774 72</u></u>

*Mich. Southern R. R. Deposits.*

## CREDIT.

1857.

Nov. 30. By balance, Nov. 29, 1856,.....	<u>\$206 72</u>
Total,.....	<u><u>\$206 72</u></u>

*St. Joseph Valley R. R. Deposits.*

## CREDIT.

1857.

Nov. 30. By balance, Nov. 29, 1856,.....	<u>\$115 00</u>
Total,.....	<u><u>\$115 00</u></u>

*Oakland and Ottawa R. R. Deposits.*

## CREDIT.

1857.

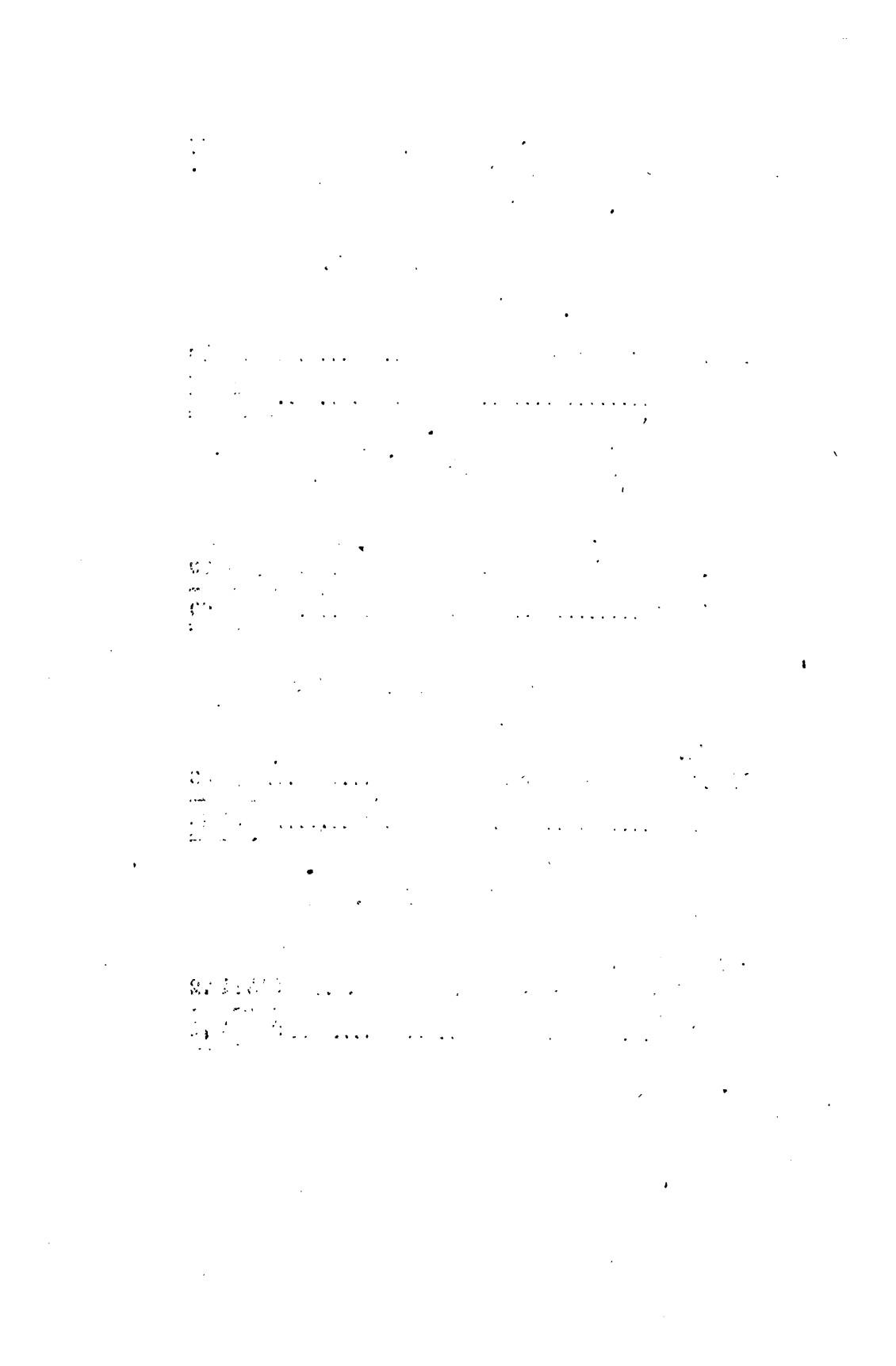
Nov. 30. By balance, Nov. 29, 1856,.....	<u>\$8 58</u>
Total,.....	<u><u>\$8 58</u></u>

*St. Mary's Canal Fund.*

## CREDIT.

1857.

Nov. 30. By balance,.....	<u>\$1,774 72</u>
Total,.....	<u><u>\$1,774 72</u></u>



*Statement of the Condition of the Peninsular Bank, December  
26th, 1857.*

## LIABILITIES.

Due Depositors and Corporations,.....	\$98,691 54
" other Banks and Bankers,.....	39,371 02
Circulation outstanding,.....	123,856 00
Capital Stock,.....	347,500 00
Bills payable,.....	46,061 65
 Total, .....	 <u>\$655,480 21</u>

## RESOURCES.

Due from other Banks and Bankers,.....	\$12,473 44
Cash, viz: Gold, Silver, Cheques and Items,..	5,900 66
Bills discounted and other debts due this B'k,	353,329 88
Bonds and Mortgages,.....	17,172 94
Michigan State Bonds (6 per ct. stocks),.....	163,683 71
Profit and Loss,.....	15,712 57
Expense account,.....	1,328 00
Bank Note Plates, &c.,.....	2,402 85
Bank Fixtures,.....	3,426 63
Banking House and Lot,.....	16,560 10
Personal Property,.....	2,187 71
Real Estate, including Pine Lands in Sanilac County, .....	61,851 71
 Total, .....	 <u>\$655,480 21</u>

STATE OF MICHIGAN, } ss.  
Wayne County, }

Henry T. Stringham, the Assistant Cashier of the Peninsular Bank, being duly sworn, deposes and says that the above exhibit gives a true statement of the affairs of said Bank, as the same appears by the books thereof, on the

26th day of December, (1857,) eighteen hundred and fifty-seven.

H. T. STRINGHAM.

Sworn and subscribed before me, on this 26th day of December, 1857.

S. M. HOLMES,  
*State Treasurer.*

*Statement of the Condition of the Farmers' and Mechanics'  
Bank of Michigan, January 8th, 1858.*

LIABILITIES.

Special Stock Account,.....	\$204,294 95
Office Notes,.....	\$46,200
Less amount on hand,.....	1,212
	44,988 00
Due Banks and Bankers,.....	17,025 75
" State Treasurer,.....	223 00
" City Treasurer,.....	16,138 14
" Depositors, .....	7,633 38
Bonds and Bills Payable,.....	41,475 00
Certificate Account,.....	7,442 92
Sundry Accounts,.....	1,892 53
Excess Resources,.....	16,238 82
Total, .....	<u><u>\$357,352 49</u></u>

RESOURCES.

Cash and Cash Items,.....	\$4,143 76
Personal Estate,.....	1,250 00
Real Estate,.....	27,612 68
Stocks, .....	1,650 00
Bonds and Mortgages,.....	72,877 84
Land Contracts,.....	6,518 36
Due from Banks and Bankers,.....	1,449 41
Michigan State Stocks,.....	80,000 00

Discounted Bills,.....	130,390 47
Sundry Resources,.....	3,459 97
Total, .....	<u>\$357,352 49</u>

STATE OF MICHIGAN, }  
*County of Wayne,* } ss.

Clement M. Davison, Cashier [of the Farmers' and Mechanics' Bank of Michigan, being duly sworn, deposeth and saith that the foregoing statement is true, to the best of his knowledge and belief.

O. M. DAVISON,  
*Cashier.*

Subscribed and sworn before me, January 9th, 1858.

S. M. HOLMES,  
*State Treasurer.*

*Statement of the Condition of the Michigan Insurance Company, of Detroit, December 23d, 1857.*

LIABILITIES.

Capital Stock, .....	\$200,010 00
Profits, .....	38,889 10
Bank Notes in Circulation,.....	\$178,290
Less on hand,.....	18,965
	<u>159,325 00</u>
Certificate Account,.....	29,220 49
Due to Banks and Bankers,.....	22,579 14
Depositors,.....	183,819 22
Total, .....	<u><u>\$633,942 95</u></u>

RESOURCES.

Cash on hand—Coin,.....	\$22,530 79
Notes of other Banks,.....	31,228 00
Due from Banks and Bankers,.....	52,384 99
State Stocks,.....	77,133 60

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Bills Discounted, . . . . .	407,808	42
Bonds and Mortgages, . . . . .	38,525	98
Real Estate, . . . . .	4,331	17
Total, . . . . .	<u>      </u>	<u>      </u> <b>\$633,942 95</b>

STATE OF MICHIGAN, } ss.  
Wayne County.

Henry K. Sanger, Cashier, being sworn, says the above is a true exhibit of the condition of the Michigan Insurance Company on the 23d day of December, A. D. 1857, according to the best of his knowledge and belief.

H. K. SANGER,  
*Cashier.*

Subscribed and sworn before me, a Notary Public, County of Wayne, this 23d day of December, 1857.

C. N. GANSON,  
*Notary Public, Wayne County, Michigan.*

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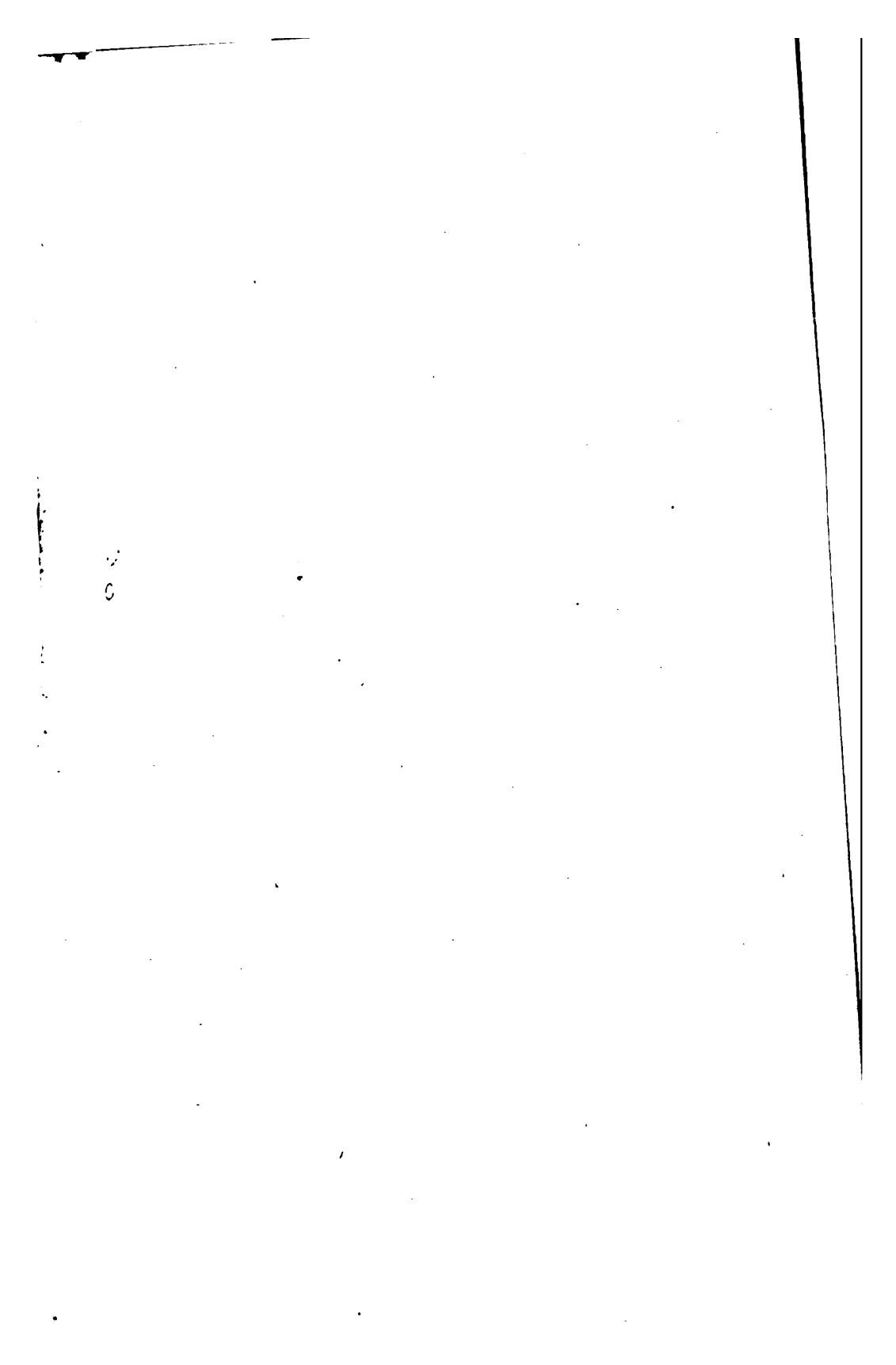
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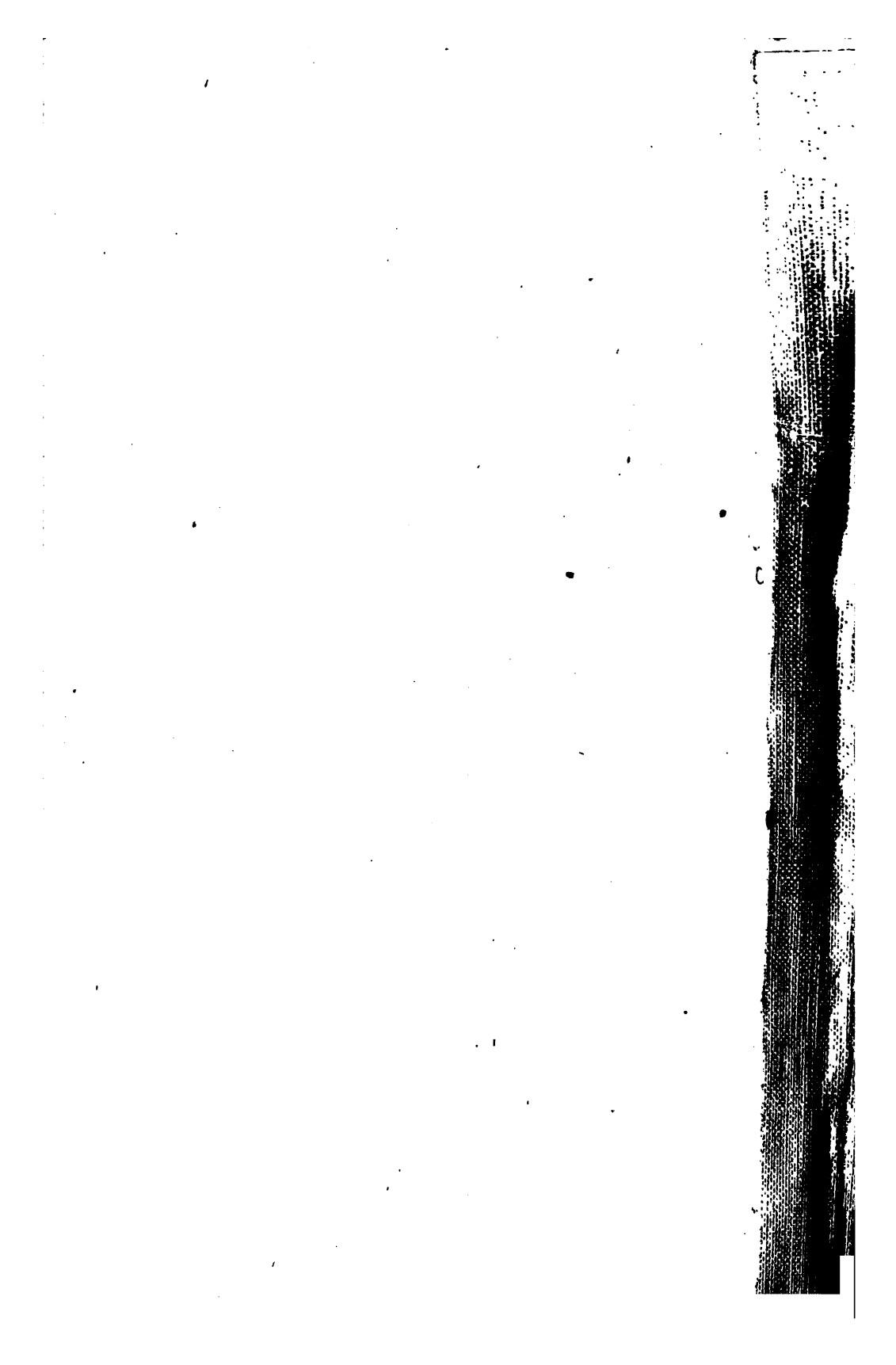
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